

ANNUAL TOWN MEETING

May 11, 2002

At a legal meeting of the inhabitants of the Town of Westford, qualified by law to vote in Town affairs, held at the Westford Academy on Saturday, May 11, 2002, called to commence at 10:00 am, the following business was transacted:

Election officers, using voting lists, acted as tellers at the doors.

Ellen Harde, Town Moderator, called the meeting to order at 10:00 am.

It was voted unanimously to allow Town employees and consultants who are not residents to sit on Town Meeting floor and address the meeting.

It was voted unanimously to waive the reading of the words of the motions by the Moderator and accept the 40-page document, entitled "Motions, Annual Town Meeting."

ARTICLE 1: ACCEPTANCE OF TOWN REPORTS

It was voted unanimously that the Town accept the Reports of Town Officers, Boards and Committees for the calendar year 2001 as printed in the Town Report with the exception of the report of the Fire Department, which was incorrect. The correct version follows.

FIRE DEPARTMENT

Fire Sub-Station

We have finally moved into the George P. Rogers Fire Sub-Station just after Thanksgiving. The building is named after the previous Fire Chief and we'll be having an official dedication in the spring. This new facility gives us the opportunity to consolidate equipment from the two previous fire Sub-Stations and gives us much needed room. While we will still be working off our punch list of items and site work to be done, which may take us into the spring, we are operating out of this building. Our new community room seems to be very attractive to many groups and organizations, and we have improved our ability to provide training to the members of our department. I would like to again thank the Committee for all of your hard work and dedication to this project.

Training

Our training program for our department is broken into two divisions: Emergency Medical Services and Fire Services. Two Directors who continue to bring the best thought out and professional training to our community and our department head-up both of these divisions. I am pleased to announce that we'll be starting our fourth Firefighter I/II class in February, 2002 and we look forward to using our new training facility at the new sub-station for this highly regarded program. A special thank you to Bob Benoit (EMS) and David O'Keefe (FS) as well as all the instructors that assist them throughout the year to make our training program successful.

Student Awareness of Fire Education (S.A.F.E.)

The coordinators continue to work hard on this educational program that we have seen so much success with. Each year we are challenged with more competition in receiving the grant monies that are needed so desperately to continue this program. We were successful in receiving a grant for \$4,594.32 this year. I would like to thank the coordinators, Kevin Grebinar and Sue Smith for a job well done. I would also like to thank all the volunteers of the department and their families who

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continue to be dedicated to this program in the schools and our very successful Fire Safety Day Camp, which everyone that attends learns about home and fire safety, as well as what to do in an emergency situation.

Staffing

As the Town and I continue to struggle to keep costs down to help alleviate the need for an increase in taxes, it is not without its challenges. I am striving to improve the response times to Graniteville, Forge Village and Parker Village. With the new fire Sub-Station completed, we are still faced with the need to staff that station. This will help reduce the response time for calls in the Forge/Graniteville sections. We had seen a vast decrease in the response time to calls in Nabnasset with the 24 hour a day staffing. However, we've found that we've increased the need for the Nabnasset crew to respond to the other areas of town due to the need for more personnel to cover those sections. As I continue to research alternate ways to keep costs down, staffing is needed in the new fire Sub-Station. Additional staffing will help to bring us to level of service that I feel is a necessity for our growing community.

Capital Program

This year we had an opportunity to replace the center station roof after 27 years and replace the skylights that have plagued our station with leaks for some time. We are also in the process of replacing our glass doors in the rear of the building and hopefully save on utility bills. In addition to these station improvements we have replaced a vehicle in the Forge/Graniteville station with a vehicle similar to the highway department, which is new for any type of fire service as it has interchangeable bodies that allow us to have one vehicle with the capability of allowing us to have one truck that is capable of numerous functions, which keeps costs down. Last year we were successful in acquiring a grant for \$30,898.00 that was used towards the purchase of our second Thermal Imaging Camera for the department as well as other safety equipment for our personnel. This year the state has indicated that they will again have this grant program for fire departments and if so, we are prepared to seek another grant under this program.

Thank You

I would like to thank my wife Kathy, and my daughters, Kayla and Maria, who are now 3 years old. I can't believe how fast the years are going by. Your continued support through these years has been inspiring. I would again like to take this opportunity to thank the department officers, the members of the department, and our office manager for all the hard work they do each and every day. In addition, I would also like to thank the area Chiefs and their members who respond to our needs unselfishly, the Town Manager and the department heads who always support our department. Lastly, while we still cannot help but sadly remember the community members that we lost during the Tragedy of September 11th. I cannot end this report without mentioning the loss of Cinder, the Fire Department's dog who lived at the Center Station for 14 years. Her love and affection for all the department members, as well as the children and people who came into her life will live in our hearts forever.

Respectfully Submitted,
Richard Rochon, Fire Chief

ARTICLE 2: PROPERTY TAX EXEMPTION

It was voted unanimously under the Consent Calendar that the Town accept the provisions of Chapter 73, section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988 by providing for additional property exemptions for qualified residents who may be blind, elderly, surviving spouses or minors or are disabled veterans, and to increase the statutory exemption by 100%.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 3: COMPENSATION PLAN AMENDMENT

A **MOTION** was duly made and seconded and following some discussion, it was voted to defer action on the Article until such time that the Board of Selectmen and Town Counsel can review the questions raised regarding the compensation plan as it relates to the personnel bylaw.

It was voted to take Articles 24 and 25 out of order.

ARTICLE 24: ACCEPTANCE OF ENTERPRISE LEGISLATION

It was voted that the Town accept the provision of Chapter 44 Section 53F ½ in order to establish an Ambulance Enterprise Fund to receive revenues received from Ambulance fees.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 25: ACCEPTANCE OF ENTERPRISE LEGISLATION – SOLID WASTE

A **MOTION** was duly made and seconded that the town accept the provisions of Chapter 44, Section 53F1/2 in order to establish a Solid Waste Collection & Disposal Enterprise Fund to receive revenues received from trash collection fees; such establishment subject to a Fall ballot question.

Selectmen Recommend Approval; Finance Committee Does Not Recommend Approval As Worded

A MOTION to amend the Article to delete the wording “such establishment subject to a Fall ballot question.” FAILED for lack of majority.

The **MAIN MOTION FAILED** for lack of majority.

Town Meeting then voted unanimously to adopt the following RESOLUTION presented by the School Committee:

Resolved to rename the Athletic Field at Westford Academy “Alumni Field” and to name the Elementary School on Mitchell Road the “Rita Edwards Miller” School. Mrs. Rita Edwards Miller was present to accept the honor.

ARTICLE 3: COMPENSATION PLAN AMENDMENT

An earlier **MOTION** was duly made and seconded, and it was voted to **AMEND** the Band for the Parks and Recreation Director from 6 to 4 and to amend the Band for the Water Treatment Plant Operator from 6 to 4, so that the final motion that passed unanimously read:

That the Town amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2002 as follows:

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PAY CLASSIFICATION PLAN - EFFECTIVE JULY 1, 2002

Band	Position Title	MIN	MID	MAX	HOURLY CLASS. **	MIN	MAX
9	Fire Chief	\$67,590	\$81,320	\$96,691	Library Page	\$6.75	\$8.00
9	Police Chief	\$67,590	\$81,320	\$96,691	COA Lead Van Driver	\$13.00	\$15.99
8	Finance Director	\$62,007	\$74,063	\$88,704	COA Van Driver	\$8.25	\$14.00
7	Assistant Town Manager	\$56,887	\$67,949	\$81,380	<i>COA Van Coordinator</i>	<i>eliminated</i>	
6	Director, Human Resources	\$52,189	\$62,337	\$74,659	Senior Volunteer Worker	\$9.00	\$11.00
6	Library Director	\$52,189	\$62,337	\$74,659	Student Intern I	\$9.00	\$9.99
6	Water Superintendent	\$52,189	\$62,337	\$74,659	Student Intern II	\$10.00	\$10.99
6	Highway Superintendent	\$52,189	\$62,337	\$74,659	Student Intern III	\$11.00	\$11.99
6	Technology Director	\$52,189	\$62,337	\$74,659	Senior Aide Outreach Worker	\$10.00	\$12.99
5	Town Engineer	\$47,881	\$57,191	\$68,496	Receptionist/Senior Center	\$10.00	\$12.99
5	Town Accountant	\$47,881	\$57,191	\$68,496	Evening Supervisor/Senior Center	\$10.00	\$12.99
5	Principal Assessor	\$47,881	\$57,191	\$68,496	Registrar/Senior Center	\$10.00	\$12.99
5	Director, Environmental Services	\$47,881	\$57,191	\$68,496	Auxiliary Firefighter	NA(Flat Rate)	\$10.00
5	Director, Health Care Services	\$47,881	\$57,191	\$68,496	Call Firefighter	\$16.34	\$19.92
4	Parks and Recreation Director	\$42,750	\$51,062	\$61,157	Call Ambulance Attendant	\$16.34	\$18.03
4	Water Treatment Plant Operator	\$42,750	\$51,062	\$61,157	<i>Call Fire Lieutenant</i>	<i>eliminated 11/1/01</i>	
4	Building Commissioner	\$42,750	\$51,062	\$61,157	<i>Call Fire Captain</i>	<i>eliminated 11/1/01</i>	
4	Conservation Coordinator	\$42,750	\$51,062	\$61,157	<i>Call Deputy Chief</i>	<i>eliminated 11/1/01</i>	
4	Tax Collector	\$42,750	\$51,062	\$61,157			
4	Operations Administrator, Highway	\$42,750	\$51,062	\$61,157			
4	Assistant Library Director	\$42,750	\$51,062	\$61,157			
4	Director, Elder Services	\$42,750	\$51,062	\$61,157			
4	Community Center Director	\$42,750	\$51,062	\$61,157			
4	Business Manager, Water Department	\$42,750	\$51,062	\$61,157			
4	Benefits/HRIS Coordinator	\$42,750	\$51,062	\$61,157			
4	Town Clerk	\$42,750	\$51,062	\$61,157			
3	Senior Librarian	\$38,171	\$45,592	\$54,604			
3	Systems/Automation Manager, Library	\$38,171	\$45,592	\$54,604			
3	Public Health Nurse	\$38,171	\$45,592	\$54,604			
3	Social Worker	\$38,171	\$45,592	\$54,604			
3	Substance Abuse Services Coordinator	\$38,171	\$45,592	\$54,604			
3	Day Program Coordinator	\$38,171	\$45,592	\$54,604			
3	Administrative Assessor	\$38,171	\$45,592	\$54,604			
3	Assistant Building Commissioner	\$38,171	\$45,592	\$54,604			
3	Assistant Town Engineer	\$38,171	\$45,592	\$54,604			
3	Assistant Treasurer	\$38,171	\$45,592	\$54,604			
3	Environmental Analyst	\$38,171	\$45,592	\$54,604			
3	Health Agent	\$38,171	\$45,592	\$54,604			
3	Conservation Technician	\$38,171	\$45,592	\$54,604			
3	GIS Coordinator	\$38,171	\$45,592	\$54,604			
3	Town Planner	\$38,171	\$45,592	\$54,604			
3	Computer Technician	\$38,171	\$45,592	\$54,604			
3	Food Inspector	\$38,171	\$45,592	\$54,604			

Band	Position Title	MIN	MID	MAX
2	Assistant Tax Collector	\$34,080	\$40,708	\$48,754
2	Assistant Town Accountant	\$34,080	\$40,708	\$48,754
2	Assistant Recreation Director	\$34,080	\$40,708	\$48,754
2	Office Manager	\$34,080	\$40,708	\$48,754
2	Animal Control Officer	\$34,080	\$40,708	\$48,754
2	Admin. Secretary to the Town Manager	\$34,080	\$40,708	\$48,754
1	Administrative Assistant.	\$30,429	\$36,347	\$43,530
1	Finance Technician	\$30,429	\$36,347	\$43,530
1	Activities Coordinator	\$30,429	\$36,347	\$43,530
1	Planner 1	\$30,429	\$36,347	\$43,530

** Further hourly wages for temporary or seasonal employees will be compatible to, but not greater than, the wage rate provided noncontract employees

Selectmen Recommend Approval; Finance Committee Recommends Approval

At 1:05 pm, prior to the final vote under Article 3, it was voted unanimously to adjourn for lunch and to reconvene at 2:05 pm.

Discussion continued under Article 3.

At 2:25 pm, prior to the final vote under Article 3, it was voted to adjourn the Annual Town Meeting until after the Special Town Meeting.

The Annual Town Meeting resumed at 3:20 pm with discussion continuing under Article 3.

A MOTION to DELETE the position of Benefits Coordinator FAILED for lack of majority.

A MOTION to AMEND the Band for the Human Resources Director from 6 to 4 FAILED for lack of majority.

A MOTION to AMEND the Band for Parks and Recreation Director from 4 to 5 FAILED for lack of majority.

Mr. Bob Shaffer reported on the activities of the Community Preservation Committee over the past year and announced that a Public Hearing would be held as part of the needs assessment phase of planning.

ARTICLE 4. FISCAL YEAR 2003 OPERATING BUDGET

It was voted that the Town adopt as separate appropriations the recommendations listed below for a total of SIXTY SIX MILLION FIVE HUNDRED SEVENTY ONE THOUSAND TWO HUNDRED TEN (\$66,571,210.00) DOLLARS for the operations and maintenance of Town Departments for the Fiscal Year July 1, 2002 through June 30, 2003, such sums to be expended for such purposes under the direction of the respective Town Officers, Boards, Committees, and that all items be raised and appropriated except for the following:

Department 171 Conservation Commission: \$8,000 shall be appropriated from Wetlands Protection Fees, Receipts Reserved for Appropriation.

Department 452 Water Enterprise: \$2,393,000 shall be appropriated from Water Revenue.

GENERAL GOVERNMENT

			Expenses	93,850.00		
			Capital	0.00		
122	SELECTMEN		TOTAL 151	93,850.00		
	Personal Services	0.00				
	Expenses	6,900.00	152	HUMAN RESOURCES		
	Capital	0.00		Personal Services	161,814.00	
	TOTAL 122	6,900.00		Expenses	374,274.00	
				(Transfers out)		
123	TOWN MANAGER			Capital	0.00	
	Personal Services	223,256.00		TOTAL 152	536,088.00	
	Expenses	21,100.00				
	Capital	0.00	153	CENTREX PHONE SYSTEM		
	TOTAL 123	244,356.00		Personal Services	0.00	
				Expenses	0.00	
131	FINANCE COMMITTEE			Capital	0.00	
	Personal Services	0.00		TOTAL 153	0.00	
	Expenses	9,754.00				
	Capital	0.00	155	TECHNOLOGY		
	Reserve Fund	92,000.00		Personal Services	185,470.00	
	(Transfers out)	0.00		Expenses	470,078.00	
	TOTAL 131	101,754.00		Capital	0.00	
				TOTAL 155	655,548.00	
132	FINANCE DEPARTMENT					
	Personal Services	120,844.00	161	TOWN CLERK		
	Expenses	10,464.00		Personal Services	121,947.00	
	Capital	0.00		Expenses	25,277.00	
	Audit	19,000.00		Capital	0.00	
	TOTAL 132	150,308.00		TOTAL 161	147,224.00	
133	TOWN ACCOUNTANT		170	PERMITTING DEPARTMENT		
	Personal Services	144,202.00		Personal Services	51,199.00	
	Expenses	27,739.00		Expenses	8,500.00	
	Capital	0.00		Capital	0.00	
	TOTAL 133	171,941.00		TOTAL 170	59,699.00	
141	BOARD OF ASSESSORS		171	CONSERVATION COMMISSION		
	Personal Services	175,360.00		Personal Services	98,905.00	
	Expenses	36,300.00		Expenses	16,338.00	
	Capital	0.00		Capital	0.00	
	TOTAL 141	211,660.00		TOTAL 171	115,243.00	
145	TAX COLLECTOR		174	PLANNING BOARD		
	Personal Services	126,674.00		Personal Services	73,680.00	
	Expenses	87,601.00		Expenses	117,706.00	
	Capital	0.00		Capital	0.00	
	TOTAL 145	214,275.00		TOTAL 174	191,386.00	
151	TOWN COUNSEL		176	ZONING BOARD OF APPEALS		
	Personal Services	0.00		Personal Services	0.00	

	Expenses	4,446.00
	Capital	0.00
	TOTAL 176	4,446.00
184	CATV	
	Personal Services	0.00
	Expenses	99.00
	Capital	0.00
	TOTAL 184	99.00
189	GIS	
	Personal Services	0.00
	Expenses	0.00
	Capital	0.00
	TOTAL 189	0.00
192	TOWN HALL MAINTENANCE	
	Personal Services	30,775.00
	Expenses	90,761.00
	Capital	0.00
	TOTAL 192	121,536.00

TOTAL GENERAL GOVERNMENT 3,026,313.00

PUBLIC SAFETY

210	POLICE DEPARTMENT	
	Personal Services	3,086,121.00
	Expenses	305,411.00
	Capital	0.00
	Offset	0.00
	TOTAL 210	3,391,532.00
220	FIRE DEPARTMENT	
	Personal Services	2,143,070.00
	Expenses	209,065.00
	Capital	0.00
	TOTAL 220	2,352,135.00
241	BUILDING DEPARTMENT	
	Personal Services	218,752.00
	Expenses	36,336.00
	Capital	0.00
	TOTAL 241	255,088.00
244	SEALER WGHTS/MEASURE	
	Personal Services	1,000.00
	Expenses	581.00
	Capital	0.00
	TOTAL 244	1,581.00

291	EMERGENCY MANAGEMENT	
	Personal Services	2,000.00
	Expenses	5,009.00
	Capital	0.00
	TOTAL 291	7,009.00
292	ANIMAL CONTROL	
	Personal Services	72,542.00
	Expenses	11,246.00
	Capital	0.00
	Offset*	(52,000.00)
	TOTAL 292	31,788.00
294	TREE WARDEN	
	Personal Services	2,000.00
	Expenses	39,492.00
	Capital	0.00
	TOTAL 294	41,492.00
	TOTAL PUBLIC SAFETY	6,080,625.00

EDUCATION

305	WESTFORD PUBLIC SCHOOLS	
	Personal Services	
	Expenses	
	Capital	
	TOTAL 305	33,353,376.00
310	NASHOBA TECH	
	Personal Services	
	Expenses	
	Capital	
	TOTAL 305	384,169.00
	TOTAL EDUCATION	33,737,545.00

PUBLIC WORKS

421	HIGHWAY DEPARTMENT	
	Personal Services	1,225,280.00
	Expenses	916,815.00
	Capital	0.00
	TOTAL 421	2,142,095.00
431	SOLID WASTE/RECYCLE	
	Personal Services	0.00
	Solid Waste	1,641,710.00
	Expenses	
	Recycling Expenses	178,000.00
	Capital	0.00
	Offset/Revolving	(31,500.00)
	TOTAL 431	1,788,210.00

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491	CEMETERY DEPARTMENT	
	Personal Services	0.00
	Expenses	20,370.00
	Capital	0.00
	TOTAL 491	20,370.00

TOTAL PUBLIC WORKS 3,950,675.00

HEALTH & HUMAN SERVICES

510	BOARD OF HEALTH	
	Personal Services	248,968.00
	Expenses	65,498.00
	Capital	0.00
	TOTAL 510	314,466.00

539	ADULT SUPPORTIVE DAY CARE	
	Personal Services	60,919.00
	Expenses	5,305.00
	Capital	0.00
	TOTAL 540	66,224.00

540	SENIOR CENTER	
	Personal Services	56,370.00
	Expenses	48,717.00
	Capital	0.00
	TOTAL 540	105,087.00

541	COUNCIL ON AGING	
	Personal Services	144,114.00
	Expenses	48,627.00
	Capital	0.00
	TOTAL 541	192,741.00

542	VETERANS SERVICES	
	Personal Services	20,000.00
	Expenses	29,395.00
	Capital	0.00
	TOTAL 543	49,395.00

TOTAL HEALTH & HUMAN SVCS 727,913.00

CULTURE & RECREATION

610	LIBRARY	
	Personal Services	798,757.00
	Expenses	289,125.00
	Capital	0.00
	TOTAL 610	1,087,882.00

630	RECREATION	
	Personal Services	168,818.00
	Expenses	32,139.00
	Capital	0.00
	Offset/Revolving	0.00
	TOTAL 630	200,957.00

650	PARKS	
	Personal Services	225,000.00
	Expenses	216,021.00
	Offset	(200,000.00)
	Capital	0.00
	TOTAL 650	241,021.00

670	HISTORICAL COMMISSION	
	Personal Services	0.00
	Expenses	12,250.00
	Capital	0.00
	TOTAL 670	12,250.00

673	ROUDENBUSH COMM CTR	
	Personal Services	92,634.00
	Expenses	0.00
	Capital	0.00
	Offset	(55,455.00)
	TOTAL 673	37,179.00

692	MEMORIAL DAY CELEBRATION	
	Personal Services	0.00
	Expenses	2,964.00
	Capital	0.00
	TOTAL 692	2,964.00

693	CULTURAL COUNCIL	
	Personal Services	0.00
	Expenses	2,964.00
	Capital	0.00
	TOTAL 692	2,964.00

TOTAL CULTURE & RECREATION 1,585,217.00

DEBT SERVICE

910	DEBT SERVICE	
	Principal & Interest	10,827,121.00
	TOTAL 910	10,827,121.00

TOTALS FOR DEBT SERVICE 10,827,121.00

<i>UNCLASSIFIED</i>		<i>TOTAL WATER</i>	2,393,000.00
		<i>ENTERPRISE FUND</i>	
911	EMPLOYEE BENEFITS & INSURANCE		
	Expenses	4,242,801.00	
	TOTAL 910	4,242,801.00	
<i>TOTAL UNCLASSIFIED</i>		<u>4,242,801.00</u>	
<i>TOTAL GENERAL FUND</i>		<u>64,178,210.00</u>	
<i>WATER ENTERPRISE FUND</i>			
452	WATER ENTERPRISE		
	Personal Services	747,456.00	
	Expenses	1,383,215.00	
	Capital	262,329.00	
	TOTAL 4510	2,393,000.00	
		<i>APPROPRIATION SUMMARY -</i>	
		GENERAL GOVERNMENT	3,026,313.00
		PUBLIC SAFETY	6,080,625.00
		EDUCATION	33,737,545.00
		PUBLIC WORKS	3,950,675.00
		HEALTH & HUMAN SERVICES	727,913.00
		CULTURE & RECREATION	1,585,217.00
		DEBT SERVICE	10,827,121.00
		UNCLASSIFIED	4,242,801.00
		WATER ENTERPRISE FUND	2,393,000.00
		<i>TOTAL ARTICLE 4</i>	66,571,210.00

Selectmen Recommend Approval; Finance Committee Recommends Approval

A MOTION was duly made and seconded to vote on the budget as printed in the warrant, described as Column A in the handout. The MOTION FAILED for lack of majority.

A MOTION was duly made and seconded to increase the amount of the Selectmen's budget by \$500.00 to \$7,400.00 under expenses to cover the cost of photocopying material for the Selectmen. The MOTION FAILED for lack of majority.

A MOTION was duly made and seconded to reduce the amount funded for Technology expenses down by \$100,000 to \$370,078. The MOTION FAILED for lack of majority.

A MOTION was duly made and seconded to reduce the figure in the water enterprise fund by \$15,000 to \$732,456. The MOTION FAILED for lack of majority.

The vote on the Technology line item was continued during the adjourned session of Town Meeting, where

a MOTION was made and seconded to reduce the Technology budget by \$100,000 to allocate to the School Department Technology program. The MOTION FAILED for lack of majority.

A MOTION was duly made and seconded to delete \$34,000 from the Personal Services line item in the Technology Budget and to use the School Technical Services Director for this year. The MOTION FAILED for lack of majority.

A MOTION was made and seconded to eliminate the ½ time position from the Technology budget. The MOTION FAILED for lack of majority.

The vote on the Technology line item under ARTICLE 4 passed by a majority vote.

Town Meeting observed a moment of silence in memory of Mr. Herve Cote who served the Town as Water Commissioner from 1958 until 1991. Condolences were extended to his wife Mary.

Town Meeting voted to adopt the following RESOLUTION:

Resolved that the Board of Selectmen and the Town Manager are hereby charged by Town Meeting to advertise all Town appointed positions diligently within the Town, as well as elsewhere, to ensure that as many Westford residents as possible will apply. For all appointed positions, the most qualified applicant shall be hired to serve the Town, with full consideration given to residency and/or other community connections as qualifying factors.

ARTICLE 5: FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS

It was voted unanimously under the Consent Calendar that the town appropriate from Free Cash the sum of SEVENTY THOUSAND (\$70,000) DOLLARS to supplement the operating budget for Department 151, Town Counsel, Expenses, for the Fiscal Year ending June 30, 2002.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 6: FISCAL YEAR 2002 TRANSFERS

It was voted unanimously under the Consent Calendar that the Town transfer the sum of TWENTY THREE THOUSAND THREE HUNDRED (\$23,300) DOLLARS from and to the following accounts in the following amounts for Fiscal Year 2002:

\$1,300 from Teacher's Early Retirement Assessment, Article 5 Annual Town Meeting, May 5, 2001 to Department 123 Town Manager, Expenses.

\$22,000 from Teacher's Early Retirement Assessment, Article 5 Annual Town Meeting, May 5, 2001 to Department 192 Town Hall Maintenance, Expenses.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 7: ANIMAL CONTROL OFFICER REVOLVING FUND

It was voted unanimously under the Consent Calendar that the Town amend the Fiscal Year 2002, Animal Control Officer revolving fund to permit the use of said fund for the purpose of supplementing operating expenses.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 8: TEACHER'S EARLY RETIREMENT

It was voted under the Consent Calendar that the Town DISMISS Article 8, relative to Teacher's Early Retirement.

Selectmen Recommend Dismissal; Finance Committee Recommends Dismissal

ARTICLE 9: REVOLVING FUNDS

It was voted unanimously under the Consent Calendar that the Town, pursuant to Mass. General Laws (MGL), Chapter 44, Section 53E(1/2), establish revolving funds for the following departments for the specific purposes outlined below for the fiscal year beginning July 1, 2002 and ending June 30, 2003:

A. Council On Aging – Adult Supportive Day Care Center

Fees received for the Supportive Day Care Program for the purpose of program maintenance and the hiring of necessary personnel and consulting services, said expenditures to be approved by the Council on Aging; and not to exceed SIXTY THOUSAND (\$60,000) DOLLARS during Fiscal Year 2003.

B. Recycling Commission

Revenues received from the sale of recycled materials to meet the expenses of the recycling program, said expenditures to be approved by the Recycling Commission; and not to exceed THIRTY ONE THOUSAND FIVE HUNDRED (\$31,500) DOLLARS during fiscal year 2003.

C. Recreation Commission-Programs

Fees received for recreation programs for the purpose of program maintenance and the hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Commission and not to exceed ONE HUNDRED THOUSAND (\$100,000) DOLLARS during fiscal year 2003.

D. Recreation Commission-Field Maintenance

Fees received for Field Rental for the purpose of field maintenance and related hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Commission and not to exceed THREE HUNDRED THOUSAND (\$300,000) DOLLARS during fiscal year 2003.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 10: CONSERVATION EXPENDABLE TRUST

It was voted to dismiss this article and request the Selectmen bring the matter to the fall Town Meeting.

ARTICLE 11: HIGHWAY DEPARTMENT CHAPTER 90 FUNDS

It was voted unanimously that the Town appropriate the sum of TWO HUNDRED AND NINE THOUSAND, TWENTY-EIGHT DOLLARS AND NINE CENTS (\$209,028.09) from the proceeds due the town under the provisions of Chapter 53 of the Acts of 1999 and Chapter 150 of the Acts of 2000.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 12: EARLY RETIREMENT

It was voted to postpone discussion of this article until legislation had passed to provide the basis for this article. At the end of the final session the legislation was still pending, so it was voted to dismiss this article.

ARTICLE 13: HEALTH INSURANCE INCREASE FOR TOWN EMPLOYEES

It was voted that the Town accept the provisions of Mass. General Laws, Chapter 32B, Section 7A, which allows the Town to pay a subsidiary or additional rate above fifty percent of a premium for contributory group life and health insurance for employees in the service to the town and their dependents, and to authorize the Board of Selectmen to negotiate the terms of such rate increase.

Selectmen Recommend Approval; Finance Committee Does Not Recommend Approval

ARTICLE 14: HEALTH INSURANCE INCREASE FOR RETIRED TOWN EMPLOYEES

It was voted that the Town accept the provisions of Mass. General Laws, Chapter 32B, Section 9E, which allows the Town to pay a subsidiary or additional rate above fifty percent of a premium for contributory group life, hospital, surgical, medical, dental and other health insurance for employees retired from the service of the town, and their dependents, and to authorize the Board of Selectmen to negotiate the terms of such rate increase.

Selectmen Recommend Approval; Finance Committee Does Not Recommend Approval

ARTICLE 15: PAYMENT OF BACK TAXES

It was voted unanimously under the Consent Calendar that the Town raise and appropriate the sum of THREE THOUSAND FIVE HUNDRED ONE (\$3,501) DOLLARS for the payment of back taxes on two parcels of land shown as Assessors Map 23, Parcel 15.2, gifted to the Town at the May 5, 2001 Annual Town Meeting, and Assessors Map 47, Parcel 45.15, gifted to the Town at the November 13, 2001 Special Town Meeting.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 16: SUPERFUND SITE SETTLEMENT-BEEDE WASTE

It was voted unanimously under the Consent Calendar that the Town raise and appropriate the sum of NINE THOUSAND NINETY FOUR (\$9,094) DOLLARS, to settle the Town's obligations with the Environmental Protection Agency at the Beede Waste Oil Superfund site.

Selectmen Recommend Approval; Finance Committee Recommends Approval

At 6:00 pm it was voted to adjourn the Annual Town Meeting to Monday, May 13, 2002 at 7:00pm.

ADJOURNED ANNUAL TOWN MEETING

Monday, May 13, 2002

Ellen Harde, Town Moderator called the meeting to order at 7:00 pm.

ARTICLE 17: CAPITAL REQUESTS

A **MOTION** was duly made and seconded, and it was voted to **AMEND** the capital request from the Police Department from 167,825 to 145,825, so that the final motion that passed by a two-thirds vote read:

That the town appropriate from the Stabilization Fund the sum of ONE MILLION, THREE HUNDRED NINETY-FIVE THOUSAND, FOUR HUNDRED NINETY FIVE (\$1,395,495) DOLLARS to provide for the capital requests of the following town departments in the following amounts:

Technology	\$400,000
Town Clerk	4,000
Conservation Commission	35,000
Town Hall	11,000
Police Department	145,825
Fire Department	154,600
Emergency Management	11,000
Highway Department	238,000
Solid Waste	125,000
Cemetery Department	10,500
Council on Aging	30,000
Library	20,070
Recreation Department	210,500

Selectmen Recommend Approval; Finance Committee Recommends Approval

A MOTION was duly made and seconded to reduce the amount of the Technology Capital from \$400,000 to \$200,000. The MOTION FAILED for lack of majority.

A MOTION was duly made and seconded to DISMISS Article 17 until the fall Town Meeting. The MOTION FAILED for lack of majority.

A MOTION was duly made and seconded to reduce the amount of the Recreation Department capital from \$210,500 to \$100,000. The MOTION FAILED for lack of majority.

ARTICLE 18: SCHOOL BUILDING AND FACILITY REPAIRS

It was voted by a two-thirds majority that the Town appropriate the sum of ONE MILLION (\$1,000,000) DOLLARS to pay for the costs of repairs and renovations to various school buildings and facilities, including all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Section 7(3) and (3A) or any other applicable statute.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 19: WATER TREATMENT PLANTS – FURNITURE & EQUIPMENT

It was voted that the Town appropriate the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS from Water Enterprise Available Funds for the purpose of purchasing furniture, signage, telephones, computers, and other related items for two new water treatment facilities.

Selectmen Recommend Approval; Finance Committee Recommends Approval

**ARTICLE 20: CONSTRUCTION OF TWO ELEMENTARY SCHOOLS –
SUPPLEMENTAL APPROPRIATIONS**

It was voted by a two-thirds majority that the Town appropriate an additional sum of ONE MILLION (\$1,000,000) DOLLARS, to be expended at the direction of the Permanent School Building Committee, to pay additional costs for the construction, original equipping and furnishing of two new elementary schools, one located at the Greystone site and the other on the Hartford Road site, to meet the School Department's K-5 needs, including site development and all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7, and Chapter 70B of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, and further, that the Permanent School Building Committee is hereby authorized to enter into any and all contracts in connection therewith.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 21: BROOKSIDE MILL CONDOMINIUM DIRECTIVE / By Petition

It was voted to dismiss this article.

It was voted to take Article 23 out of order.

ARTICLE 23: RESCIND MAY 5, 2001, ANNUAL TOWN MEETING ARTICLE

It was voted unanimously that the Town rescind the appropriation of \$150,000 for the acquisition of three (3) affordable, rental units, and the reduction in market cost of five (5) affordable units for home ownership at the Brookside Mill, as authorized by Article 13, "Brookside Mill," approved at the May 5, 2001 Annual Town Meeting.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 22: BROOKSIDE MILL

It was voted that the Town raise and appropriate the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS for the installation of public improvements and waiver of Building Department fees associated with the Brookside Mill, said expenditure is to be contingent upon the inclusion of a 9th affordable, rental unit within the project.

Selectmen Recommend Approval; Finance Committee Does Not Recommend Approval

Articles 24 & 25 were taken out of order prior to the main discussion under Article 3.

ARTICLE 26: FIRE TRUCK LEASE OPTION

It was voted under the Consent Calendar that the Town acquire by lease, in accordance with the provisions of Mass. General Laws, Chapter 40, Section 4, and/or any other enabling authority, a ladder truck for use by the Westford Fire Department.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 27: TAX RELIEF FOR LONG TIME RESIDENTS OF WESTFORD / By Petition

A **MOTION** was duly made and seconded, and it was voted to **AMEND** the text in sections 146.1 and 146.5, so that the final motion that passed by a majority vote read:

That the Town amend the Town of Westford's Administrative By-laws by adding the following, as Chapter 146 and to be entitled "Senior Citizen Property Tax Relief Program":

Section 146.1 Tax Levy Cap Criteria.

The property tax levy for the primary residence and residential lot on which the residence is situated for any Westford homeowner, who is 65 years of age or older and has owned and occupied said residence as a domicile for not less than 10 years, is capped at the calculated tax levy of said property on January 1 of the year that the application to the program is first approved.

Section 146.2 Assessments and Tax Rate Changes Recalculation.

The assessments and tax rate changes of senior qualified properties shall be recalculated on an annual basis. The lesser of the calculations will prevail as the property tax levy for that year.

Section 146.3 Participation Nullified.

Participation in this program is nullified when the homeowner who is 65 or older moves permanently from the property or the property is sold and deeded to a new owner.

Section 146.4 Application.

Application to the Board of Assessors is required in order to take part in this tax relief program. The Board of Assessors shall have responsibility for creating a simple application, and overseeing the administration of the program.

Section 146.5 Income and Asset Requirements.

Applicants must meet income and asset requirements of this program as follows:

Income:	Married	\$60,000
	Single	\$50,000

Assets (not including primary residence and one motor vehicle registered to property owner):
\$75,000

Participation in this program does not disqualify any resident from tax relief offered by any section of Chapter 59 or any other applicable provision of the Mass. General Laws.

Section 146.6 Tax Reduction Not Considered Income.

In no instance shall the amount by which this program reduces a person's property tax liability be considered income for the purpose of taxation.

Section 146.7 Effective Date.

This program shall begin July 1, 2002 with the property tax levy capped at its January 1, 2002 levy.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 28: TAX RELIEF FOR LONG TIME RESIDENTS OF WESTFORD

It was voted to postpone the vote under this article until the Senior Tax Relief Committee had time to decide on its position. Following the vote under Article 31, the following was voted under Article 28:

A **MOTION** was duly made and seconded, and it was voted to **AMEND** the Article to include all the wording as adopted under Article 27, so that the final motion that passed by a majority vote read:

That the Town authorize the Board of Selectmen to petition the Great and General Court to enact the following special act:

Notwithstanding the provisions of Chapter 59 of the General Laws or any other law pertaining thereto, the Board of Assessors of the Town of Westford shall upon application, cap the property tax levy at the calculated tax levy of said property on January 1 of the year that the application to the program is first made, for any resident who is 65 years of age, as of the year of application, or older and who has been a resident for at least 10 years in the Town of Westford and paying property tax in the Town of Westford for at least 10 years and utilizes said property as a principal residence.

Section 146.1 Tax Levy Cap Criteria.

The property tax levy for the primary residence and residential lot on which the residence is situated for any Westford homeowner, who is 65 years of age or older and has owned and occupied said residence as a domicile for not less than 10 years, is capped at the calculated tax levy of said property on January 1 of the year that the application to the program is first approved.

Section 146.2 Assessments and Tax Rate Changes Recalculation.

The assessments and tax rate changes of senior qualified properties shall be recalculated on an annual basis. The lesser of the calculations will prevail as the property tax levy for that year.

Section 146.3 Participation Nullified.

Participation in this program is nullified when the homeowner who is 65 or older moves permanently from the property or the property is sold and deeded to a new owner.

Section 146.4 Application.

Application to the Board of Assessors is required in order to take part in this tax relief program. The Board of Assessors shall have responsibility for creating a simple application, and overseeing the administration of the program.

Section 146.5 Income and Asset Requirements.

Applicants must meet income and asset requirements of this program as follows:

Income:	Married	\$60,000
	Single	\$50,000

Assets (not including primary residence and one motor vehicle registered to property owner):
\$75,000

Participation in this program does not disqualify any resident from tax relief offered by any section of Chapter 59 or any other applicable provision of the Mass. General Laws.

Section 146.6 Tax Reduction Not Considered Income.

In no instance shall the amount by which this program reduces a person's property tax liability be considered income for the purpose of taxation.

Section 146.7 Effective Date.

This program shall begin July 1, 2002 with the property tax levy capped at its January 1, 2002 levy.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 29: SCENIC ROAD BYLAW AMENDMENT

It was voted unanimously that the Town amend Section 145, Scenic Roads, sub-section 3C, of the Bylaws of the Town of Westford to add Old Lowell and Vose Roads to the list of designated scenic roads.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 30: TOWN GENERAL BYLAW AMENDMENT

A **MOTION** was duly made and seconded, and it was voted to **AMEND** sections 1.2, 1.4 of Chapter 1 and section 68.4 of Chapter 68, so that the final motion that passed by a two-thirds vote read:

Chapter 1: Penalties for Violating Bylaws and Regulations

[Adopted 2-17-47 ATM Art. 35. Replaced 5-11-87 Adj. ATM Art. 17.
Amendments noted where applicable.]

§ 1.1. Violations. [Amended 3-9-68 ATM Art. 36; 3-18-91 Adj. STM Art. 7]

Violation of the following bylaw and regulations sections may be enforced in the manner provided in Massachusetts General Laws chapter 40, section 21D, as the same now is or may

hereafter be amended or supplemented. For the purpose of this chapter, the specific penalty which is to apply for violation of each such section shall be as listed below and that, in addition to police officers who shall in all cases be considered enforcing persons for the purpose of this article, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections.

§ 1.2 Enforcement. [Adopted 5-10-86 ATM Art. 12]

A. Any Town board or official taking cognizance of a violation of a specific ordinance, bylaw, rule or regulation which he/she is empowered to enforce, herein referred to as the “enforcing person,” as an alternative to initiating criminal proceedings, may give the offender a notice of violation and the opportunity to dispose of the violation utilizing the non-criminal proceedings and procedures provided for in Massachusetts General Laws chapter 40, section 21D.

B. Nothing contained in this chapter shall be construed as affecting the option or discretion of the enforcing municipal personnel to seek injunctive relief or to initiate criminal proceedings as authorized by any provisions of the Massachusetts General Laws.

§ 1.3 Separate offenses.

Each day on which any violation exists shall be deemed to be a separate offense.

§ 1.4 Penalties and enforcing persons for violation of bylaws or regulations. [Replaced 5-22-89 Adj. ATM Art. 49. Amended 3-18-91 Adj. STM Art. 7; 5-7-94 ATM Art. 10; 11-13-95 STM Art. 9; 5-8-99 ATM Art. 24; 5-8-2000 Adj. STM Art. 1; 11-13-01 STM Art. 9]

Chapter	Enforcing persons	Offense	Fine
Chapter 58: Alcoholic Beverages	Chief of Police	1st and each subsequent offense	\$50
Chapter 61: Hazardous Materials Storage	Board of Health	1st and each subsequent offense	\$300
Chapter 68: Numbering of Buildings	Board of Selectmen	1st and each subsequent offense	\$25
Chapter 84.3: Dogs	Dog Officer	1st offense	\$10
		2nd offense	\$25
		3rd and each subsequent offense	\$50
Chapter 84.6: Nuisance dogs	Dog Officer	1st offense	warning
		2nd offense	\$25
		3rd offense	\$50
		4th and each subsequent offense	\$100
Chapter 90: Earth Removal	Building Commissioner	1st offense	\$100
		2nd offense	\$300
		3rd and each subsequent offense	\$300
Chapter 95: Firearms	Chief of Police	1st offense	\$100
		2nd offense	\$200
		3rd and each subsequent offense	\$300
Chapter 96: Fire Lanes	Fire Chief	1st and each subsequent offense	\$100
		Leaving motor vehicles in private ways: each offense	\$100
Chapter 114:	Building	1st and each subsequent offense	\$50

Chapter	Enforcing persons	Offense	Fine
Junk Dealers	Commissioner		
Chapter 132: Plumbing Standards	Plumbing Inspector		
§ 132.4. License required		1st and each subsequent offense	\$100
Chapter 136: Public Safety	Building Commissioner		
§ 136.1. Excavated land		1st offense	\$50
		2nd offense	\$100
		3rd and each subsequent offense	\$200
§ 136.2. Abandoned well or cesspool		1st offense	\$100
		2nd and each subsequent offense	\$500
§ 136.3. Refrigerators/iceboxes		1st and each subsequent offense	\$50
§ 136.4. Swimming pools		1st and each subsequent offense	\$50
Chapter 148: Streets and Sidewalks	Selectmen	1st and each subsequent offense	\$50
§§148.1 – 148.11			
Chapter 157: Transient Merchants	Chief of Police	1st offense	\$100
		2nd and each subsequent offense	\$200
Chapter 160: Trees and Plants	Conservation Commission		
Plants		1st and each subsequent offense	\$25
Trees		1st and each subsequent offense	\$50
Chapter 165: Junk Automobiles	Building Commissioner	1st offense	Warning
		2nd offense	\$200
		3rd and each subsequent offense	\$300
Chapter 169: Water	Water Department Superintendent.	1st offense	\$50
		2nd and each subsequent offense	\$100
Chapter 171: Wetlands	Planning/ Conservation Coordinator	Failure to make required filing with Conservation Commission	\$50
		Violation of Order of Conditions	\$100

Board of Health Regulations	Offense	Enforcing Person	Fine
§ 11b	Violation of regulations on the sale of tobacco products to minors by proprietor	Board of Health	1st and each subsequent offense \$300
§ 11c	Violation of regulation on the sale of tobacco products to minors by employee	Board of Health	1st and each subsequent offense \$300

Board of Health Regulations	Offense	Enforcing Person		Fine
21	Violations of any provision of Rules and Regulations pertaining to massage therapy regulations	Board of Health	1st and each subsequent offense	\$200
§ 15.7	Body art without permit	Board of Health	Per day	\$1000
§ 15.8	Body art on minor without written consent by parent or legal guardian	Board of Health	Per violation/person	\$1000
§ 15.9	Performing tattooing/branding/scarification on anyone under 18	Board of Health	Per violation/person	\$1000
§ 123.014	Violations of any provision of Rules and Regulations pertaining to tanning regulations	Board of Health	1st offense 2nd offense Subsequent offenses	\$200 \$1000 \$2000
§ 211.7	Violations of any provision of Rules and Regulations pertaining to floor drain regulations	Board of Health	1st offense 2nd offense Subsequent offenses	\$200 \$500 \$1000
§ 11a	Regulation on smoking in a non-smoking area	Board of Health	1st offense 2nd offense Subsequent offenses	\$25 \$50 \$100
Conservation Commission Regulations	Enforcing persons	Offense		Fine
Use of conservation land	Planning/Conservation Coordinator	1st offense Subsequent offenses		\$25\$100

* Sections 1.2 & 1.3 have been moved to become Chapter 175: Amendments.

+ Section 1.4 has been moved to become part of §1.2 above.

Chapter 3: Assessors

[Adopted 3-9-57 ATM Art. 32. Amendments noted where applicable.]

§ 3.1.. Assessors' Duties [Amended 3-18-61 ATM Art. 27]

The duties of the Board of Assessors, Principal Assessor, Administrative Assessor, and Assessor's office shall be in full compliance with Massachusetts General Laws chapter 59. The assessor's office shall be responsible, as required by law, to make available annually a list of taxable property.

Chapter 7: Board of Health

[Adopted 2-17-47 ATM Art. 35. Amendments noted were applicable.]

§ 7.1. Annual Report.

The Board of Health shall annually prepare a report to be printed in the Annual Town Report, showing in detail the statistics of the health and sanitary condition of the Town, with recommendations for its improvement, together with a full and comprehensive statement of its work and that of its appointees, during the previous year.

§ 7.2. Authority to make and publish regulations.

The Board shall make and publish such regulations as it deems necessary for public health and safety, and from time to time shall cause said rules and regulations to be printed in a form suitable for public distribution.

§ 7.3. Authority to make appropriations.

The Board shall have charge of the appropriations for quarantine purposes, in addition to the regular health appropriation, and any special appropriation made by the Town, which concern the health and sanitation of the Town, not specifically entrusted to any other department.

Chapter 16: Council on Aging

[Adopted 3-11-67 ATM Art. 21. Amendments noted where applicable.]

§ 16.1. Establishment; purpose.

There is hereby established a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Massachusetts Department of Elder Affairs established under Massachusetts General Laws chapter 40, section 8B, as most recently amended, or as the same may be hereafter amended.

§ 16.2. Membership; terms. [Amended 5-9-92 ATM Art. 9]

The Council on Aging shall consist of 7 members to be appointed by the Selectmen, and all of the members shall be residents of the Town. When the Council is first established 2 members shall be appointed for terms of 3 years each, 2 members shall be appointed for terms of 2 years

each, and 3 members shall be appointed for a term of 3 years each; and their successors shall be appointed for terms of 3 years each. A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment.

§ 16.3. Annual report.

The Council shall submit an annual report to the Town for inclusion in the Annual Reports and shall send a copy to the Massachusetts Department of Elder Affairs.

§ 16.4. Appointments.

The Council may appoint such clerks and other employees as it may require.

Chapter 20: Fees

[Adopted 5-7-83 ATM Art. 27 and 5-10-86 ATM Art. 27. Amendments noted where applicable.]

§ 20.1. Disposition of fees.

All fees received by the Town Clerk by virtue of Massachusetts General Laws chapter 262, section 34, shall be paid into the Town treasury.

§ 20.2. Sealer of Weights and Measures fees.

Fees for the sealing of weighing and measuring devices within the Town of Westford are hereby established as set forth below:

A. Each scale with a weighing capacity equal to or greater than 10,000 lbs.	\$100
B. Each scale with a weighing capacity of 5,000 lbs. to 9,999 lbs.	\$50
C. Each scale with a weighing capacity of 1,000 lbs. to 4,999 lbs.	\$25
D. Each scale with a weighing capacity of 100 lbs. to 999 lbs.	\$15
E. Each scale or balance with a weighing capacity of 10 lbs. to 99 lbs.	\$10
F. Each scale or balance with a weighing capacity of less than 10 lbs.	\$5
G. Each liquid capacity measure, except vehicle tanks, of the capacity of more than 1 gallon and measures on pumps	\$5
H. Each liquid measuring meter, except water meters, the diameter of the inlet pipe of which is:	
1. one half inch or less	\$5
2. more than one half inch but less than one inch	\$10
3. for each such type of liquid measuring meter the diameter of	
which is more than one inch, the following shall apply:	
a. vehicle-tank pump	\$15

b. vehicle-tank gravity	\$30
c. bulk storage	\$50
d. bulk storage user furnished certified prover	\$20
I. Each taximeter or measuring device used upon vehicles to determine the cost of transportation	\$10
J. Each machine or other mechanical device used upon vehicles to determine the cost of transportation	\$10
K. Milk bottle or jars	\$4 per gross
L. Vehicle tanks used in the sale of commodities by liquid measures charged by each hundred gallons or fraction thereof	\$1. An additional fee of \$2 per sealed indicator shall be received.
M. All weights and other measures	\$1 each

Chapter 35: Meetings of Town Boards and Committees*
[Adopted 3-9-57 ATM Art. 32. Amendments noted where applicable.]

§ 35.1. Notice of meetings or cancellations.

No meeting of a Town board or committee shall be held or canceled unless each member thereof has received reasonable notice of such meeting or cancellation.

Chapter 42: Sale of Property
[Adopted 3-19-60 Adj. ATM Art. 37. Amendments noted where applicable.]

§ 42.1. Sale or transfer of certain Town property.

Any officer, board or committee in charge of a department of the Town may, with the approval of the Selectmen, sell and transfer at private sale any personal property of the Town within the care, custody, possession or control of the department which has become obsolete or which is no longer required for further use by the department and which does not, in the opinion of the Selectmen, exceed \$500 in value. The officer, board or committee, subject to the approval of the Selectmen may, in the name and behalf of the Town, transfer by a good and sufficient bill of sale title to such property for a sum and upon terms as it or they shall determine.

Chapter 48: Tax Possession Sale Committee
[Adopted 9-17-85 STM Art. 18. Amendments noted where applicable.]

* New bylaw made up of section previously numbered 51.12

§ 48.1. Establishment; members.

There shall be a Tax Possession Sale Committee of 3 members, to be appointed by the Board of Selectmen.

§ 48.2. Terms.

Members shall serve for 3-year terms each; provided, that of the individuals first appointed, one will serve for 1 year, one will serve for 2 years and one will serve for 3 years; and thereafter each member shall serve for 3 years. Terms shall start October 1, of each year.

§ 48.3. Vacancies.

A vacancy occurring other than by expiration of term shall be filled for the remainder of the term in the same manner as an original appointment.

§ 48.4. Residency requirements.

All members shall be residents of the Town.

§ 48.5. Responsibilities.

The Committee shall have the care, custody and control of all land acquired by the Town under the provisions of Massachusetts General Laws chapter 60, as the same may be amended from time to time, and may sell and convey such land at public or private sale on such terms and conditions as said Committee shall determine.

Chapter 51: Town Meetings^{*}

[Adopted 2-11-24 ATM, as amended. Amendments noted where applicable.]

§ 51.1. Annual Town Meetings and Elections.

- A. **Date and time of Annual Town Elections.** [Amended 2-20-33 ATM Art. 13; 2-17-47 ATM Art. 35; 3-12-66 ATM Art. 36; 12-19-73 STM Art. 4. Replaced 10-2-90 STM Art. 10] The Annual Meeting for the election of Town officers and the determination of matters as by law or vote of the Town are required to be elected or determined by ballot shall be held on the first Tuesday of May each year. The polls shall be open at 7:00 A.M. and shall remain open until 8:00 P.M.
- B. **Date and time of Annual Town Business Meetings.** [Amended 2-17-47 ATM Art. 35; 7-16-64 STM Art. 8; 12-19-73 STM Art. 4] All other business of the Annual Town Meeting shall be considered at 10:00 A.M. on the Saturday following the Annual Town Election

^{*} replaces current Chapter 51.

- C. **Notice of Annual Town Meetings.** [Amended 2-17-47 ATM Art. 35; 3-9-57 ATM Art. 32; 11-1-61 STM Art. 10. Replaced 11-15-00 Adj. STM Art. 24] The Board of Selectmen shall give notice of every Annual Town Meeting by posting an attested copy of the warrant at the Town Hall and each post office in Westford at least 14 days before the meeting. The Finance Committee shall print and distribute the warrant with the Finance Committee's recommendations to all residents of the Town at least 21 days prior to the Annual Town Meeting.
- D. **Deadline for acceptance of warrant articles for Annual Town Meeting.** [Adopted 3-9-57 ATM Art. 32; amended 3-9-74 ATM Art. 41] The Selectmen shall not be required to accept any article for inclusion in the warrant for the Annual Meeting unless received by them on or before the first Tuesday of March.

§ 51.2. Special Town Meetings.

- A. **Date and time of Special Town Meetings.** [Amended 2-17-47 ATM Art. 35; 3-9-57 ATM Art. 32; 11-21-91 STM Art. 5; 5-11-96 ATM Art. 24] Special Town Meetings may be called on any day not earlier than 7:30 P.M., except that on a Saturday a Special Town Meeting may be called at any time determined by the Board of Selectmen to be in the public interest and convenience.
- B. **Special Town Meeting quorum requirement.** [Amended 2-17-47 ATM Art. 35; 3-9-57 ATM Art. 32; 11-21-91 STM Art. 5; 5-11-96 ATM Art. 24] A quorum of 200 registered voters shall be required for the transaction of business at any Special Town Meeting, provided that a number less than the quorum may from time to time adjourn any meeting.
- C. **Notice of Special Town Meetings.** [Adopted 11-15-00 Adj. STM Art. 24] At least 14 days before every Special Town Meeting, the Board of Selectmen shall give notice by:
1. posting an attested copy of the warrant at the Town Hall and each post office in Westford
 2. publishing the warrant and the voter registration deadline in a newspaper of general circulation in the Town
 3. printing and distributing the warrant and the voter registration deadline to all residents of the Town.

§ 51.3. Entry and speaking restrictions. [Amended 2-17-47 ATM Art. 35; 3-9-57 ATM Art. 32]

At all Town Meetings, no person whose name is not on the list of voters shall be permitted to address the meeting or shall be admitted to the floor of the hall, except those who may be invited by a two-thirds vote of the meeting. It shall be the special duty of the police and election officers to enforce this law by use of the voter list. This shall not be construed to prohibit press reporters from admission. The Moderator shall determine the bounds of the floor of the hall.

§ 51.4. Official procedures to be followed. [Amended 2-17-47 ATM Art. 35; 3-9-57 ATM Art. 32; 5-8-99 ATM Art. 2]

The proceedings of Town Meetings shall be governed by the rules of practice contained in *Town Meeting Time, A Handbook of Parliamentary Law*, most recent edition, except as modified by law or these bylaws or except as the Moderator determines is not appropriate for a Town Meeting.

§ 51.5. Motions, amendments and votes. [Adopted 2-17-47 ATM Art. 35; amended 3-9-57 ATM Art. 32; 10-28-57 STM Art. 10; 5-13-97 Adj. ATM Art. 22]

Not more than 2 amendments to any motion shall be pending at any one time. A motion and amendments to a motion shall be voted upon in inverse order; provided that in any case in which 2 or more amounts of money have been presented for appropriation by motion and amendments thereto, the largest amount shall be voted upon first. All motions and amendments to motions shall be presented in writing, if the Moderator so requests. On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared as two-thirds by the Moderator is immediately questioned by 7 or more voters as provided in the Massachusetts General Laws, chapter 39, section 15.

§ 51.6. Secret ballots. [Adopted 3-9-57 ATM Art. 32]

Upon any motion or amendment to a motion, the Moderator, at the request of any 20 voters attending the meeting, shall direct that the vote be by secret written ballot. Tellers may collect these by hand, and ballot boxes need not be used.

§ 51.7. Reconsideration of votes. [Adopted 3-10-62 ATM Art. 23]

No vote taken at any Town Meeting or at an adjourned session of any meeting shall be reconsidered at any adjourned session of the meeting, except upon the affirmative vote of two-thirds of the meeting.

§ 51.8. Committee appointments and reports. [Adopted 2-17-47 ATM Art. 35; amended 3-9-57 ATM Art. 32]

The Moderator shall appoint and fill vacancies on committees created and directed by Town Meeting unless otherwise especially directed by the Meeting. All committees so appointed shall be directed to report back within a definite time. If a committee does not report back within the time stated, or at the first Annual Town Meeting held thereafter, it shall be considered discharged. The Moderator shall not be a member of any committee he/she appoints.

Chapter 68: Numbering of Buildings

[Adopted 3-18-61 Adj. ATM Art. 4. Amendments noted where applicable.]

§ 68.1. Authority to determine and designate numbers.

The Board of Selectmen may determine and designate numbers for all buildings abutting upon or adjacent to public ways and so shall determine and designate numbers for these buildings.

§ 68.2. Compliance required.

No person shall refuse or neglect to affix to any building owned by him/her the street number designated by the Board of Selectmen, nor shall any person affix or suffer to remain on any building owned or occupied by him/her a street number other than the one designated by the Selectmen.

§ 68.3. Size and placement of numbers.

All numbers must be at least 2 inches in height and must be placed that they are visible from the street.

§ 68.4. Violations and penalties

Any person or entity who violates this chapter shall be liable to the following fines for each day the violation continues:

For the first and each subsequent offense: \$25

Chapter 84: Dogs

[Adopted 3-7-53 ATM Art. 34. Amendments noted where applicable.]

§ 84.1. Additional fee for late license. [Amended 5-9-92 ATM Art 11]

All owners or keepers of dogs, kept in the Town of Westford, who on the first day of April of each year, have not licensed said dog, or dogs, as prescribed in Massachusetts General Laws chapter 140, section 137, shall be required to pay an additional fee of \$25.

§ 84.2. Definitions. [Adopted 3-11-67 ATM Art. 19]

As used in this and subsequent sections,

At large shall be intended to mean off the premises of the owner, and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

Owner shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog owned or kept in the Town.

§ 84.3. Prohibited activity; exceptions; penalties.

- A. **Prohibited activity and exceptions.**[Adopted 3-11-67 ATM Art. 19. Amended 5-7-88 ATM Art. 18]No owner or keeper of any dog shall permit a dog, whether licensed or unlicensed, to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to “seeing-eye” dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place, nor to any dogs being trained for or actually being used for hunting purposes.

- B. **Violations and penalties.** [Adopted 3-11-67 ATM Art. 19. Amended 3-9-74 ATM Art. 16; 5-6-78 ATM Art. 20; 5-11-91 STM Art. 7] Whoever violates any provision of this section shall be punished according to the following procedure and schedule of fines, which are hereby declared to be an alternative to the procedure and schedule set forth in Massachusetts General Laws chapter 140, section 173A:

First offense: \$10

Second offense \$25

Third and each subsequent offense \$50

§ 84.4. Authority to pass additional orders. [Adopted 3-11-67 ATM Art. 19]

Nothing contained in this chapter shall prevent the Selectmen from passing any orders authorized by Massachusetts General Laws chapter 140, section 167 at such times as they shall deem it necessary to safeguard the public.

§ 84.6. Nuisance dogs; violations and penalties. [Adopted 11-16-98 STM Art. 18]

- A. No person shall own or keep in the Town any dog which, by biting, barking, howling, scratching or crying, or in any other manner disturbs the peace and quiet of any neighborhood, destroys private property, or endangers the safety of any person.
- B. Any violation of this section may be enforced by the Animal Control Officer through non-criminal disposition procedure in accordance with the following schedule of fines:

First offense: warning

Second offense: \$25 fine

Third offense: \$50 fine

Each subsequent offense: \$100 fine

Chapter 114: Junk Dealers

[Adopted 2-11-24 ATM. Replaced 2-17-47 ATM Art. 35. Amendments noted where applicable.]

§ 114.1. License required. [Amended 3-9-57 ATM Art. 32]

The Selectmen may license suitable persons to engage regularly in the business of being a dealer in and keeper of shops for the purchase, sale, or barter of junk, old metals, or secondhand articles; they may also license suitable persons to engage regularly in the business of acting as junk collectors, to collect by purchase, or otherwise, junk, old metals and secondhand articles from place to place in said Town; and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both when engaged in collecting, transporting or dealing in junk, old metals or secondhand articles and may prescribe the design thereof. The annual fee for such license shall be \$50.

§ 114.2. Record of purchases required.

Every such shopkeeper shall keep a book, in which shall be written at the time of every purchase of any such article a description thereof and the name, age and residence of the person from whom and the day and hour, when such purchase was made and such book shall at any time be open to the inspection of the Selectmen and by their designee to make such an inspection.

§ 114.3. Examination of premises.

Every such shopkeeper shall allow his/her shop and all articles of merchandise therein to be at any time examined by the Selectmen and by their designee, and every collector shall allow any place, vehicles or receptacle used for the collection or keeping of such articles of merchandise to be at any time examined by the Selectmen and by their designee.

§ 114.4. Storage; fence requirements. [Added 3-9-57 ATM Art. 32]

Every such shopkeeper shall store all such merchandise in a building or behind a solid fence of sufficient height to screen such merchandise from any public way. The fence shall be set back not less than 35 feet from a public way.

§ 114.5. Violations and penalties.

Any person or entity who violates this chapter shall be liable to the following fines for each day the violation continues:

For the first offense and each subsequent offense: \$50

Chapter 123: Collection of Delinquent Taxes – Denial of Licenses and Permits

[Adopted 10-2-90 STM Art. 11. Amendments noted where applicable.]

§ 123.1. Authority.

This bylaw is adopted pursuant to Massachusetts General Laws chapter 40, section 57.

§ 123.2. Annual list of delinquent parties.

The Treasurer/Collector of the Town shall annually no later than October 15 furnish to each department, board, officer or commission (hereinafter referred to as the “licensing authority”) that issued licenses or permits a list of persons, corporations, or business enterprises (hereinafter referred to as “the party”) that has, as of October 1 of the year, neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for a period of 12 months or more and that such party has not filed in good faith an application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 123.3. Denial, revocation or suspension of licenses.

- A. A licensing authority of the Town may deny, revoke, or suspend any license or permit, including renewals or transfers, of any party whose name appears on said list furnished by the Treasurer/Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector, subject to notice and a hearing as set forth below. Not less than 14 days prior to any contemplated action to deny, revoke or suspend a license or permit, the licensing authority shall notify any such party of the proposed action and of the date and time of the hearing at which the party may be heard on the proposed action. The list furnished by the Treasurer/Collector shall be prima facie evidence for denial, revocation or suspension of a license or permit to a party. The Tax Collector shall have the right to intervene in such hearing to deny, revoke or suspend. Any license or permit denied, revoked, or suspended under this section shall not be reissued or renewed until the licensing authority receives a certificate from the Treasurer/Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the Town as of the date of issuance or until the party has entered into a payment agreement as set forth below.
- B. Any finding made by a licensing authority with respect to such a license denial, suspension or revocation shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation, or suspension.

§ 123.4. Payment agreements.

Any party shall be given the opportunity to enter into a payment agreement with the Treasurer/Collector, thereby allowing the licensing authority to issue a certificate indicating limitations to the license or permit. The validity of said license or permit shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of the license or permit; provided that the holder is given notice and a hearing as required by applicable provisions of law.

§ 123.5. Waiver of denial, revocation or suspension.

On petition by any party whose license or permit has been denied, revoked or suspended, the Board of Selectmen may waive any such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner appearing on the list furnished by the Treasurer/Collector, its officers or stockholders, if any, or members of his/her immediate family in the business or activity on said property.

§ 123.6. Exemptions.

This chapter shall not apply to the following licenses and permits:

License or permit	Massachusetts General Laws
Bicycle permits	Chapter 85, sec. 11A
Children work permits	Chapter 149, sec. 69
Clubs or like associations dispensing food or beverage licenses	Chapter 140, sec. 21E
Dog licenses	Chapter 140, sec. 137
Fishing, hunting and trapping licenses	Chapter 131, sec. 12
Marriage licenses	Chapter 207, sec. 28
Open burning	Chapter 48, sec. 13
Sales of articles for charitable purposes	Chapter 101, sec. 33
Theatrical events, public exhibition permits	Chapter 140, sec. 181

Chapter 132: Plumbing Standards

[Adopted 10-11-61 STM Art. 11, as amended. Replaced 6-20-83 Adj. ATM Art. 46.]

§ 132.1. Plumbing Inspector.

There shall be a Plumbing Inspector, appointed annually by the Building Commissioner during the month of June for the term of 1 year, or until his/her successor has been appointed and qualified. To be eligible for appointment as Plumbing Inspector, the individual must be a practical plumber and must have had practical experience either as a Master Plumber or Journeyman, continuously, during 5 years next preceding his/her appointment.

§ 132.2. Registration of plumbers; notices of work to be performed.

- A. All persons who desire to engage in, carry on or work at the business of plumbing within the Town of Westford, shall be registered or licensed by the State Examiners of Plumbers in accordance with the applicable provisions of Massachusetts General Laws chapter 142 and the Uniform State Plumbing Code (248 CMR).
- B. Every plumber before commencing work in a building, shall first, except in the case of repair of leaks, file at the office of the Board of Health, upon blanks provided for that purpose, a notice of the work to be performed; and no such work shall be done in any building except in accordance with plans, to be submitted, if required, which shall be approved by the Plumbing Inspector, and a permit issued therefor.

§ 132.3. Establishment of fees.

Fees for all permits shall be established by the Selectmen.

§ 132.4. Violations and penalties.

Any person or entity who violates this chapter shall be liable to the following fines for each day the violation continues:

For the first and each subsequent offense: \$100

*

Chapter 160: Trees and Plants

[Adopted 6-28-82 Adj. ATM Art. 19. Amendments noted where applicable.]

§ 160.1 Removal permit required; display, validity.

No person shall remove plants or trees from property in the Town of Westford without having in their possession a permit signed by the owner of the property. If the property is owned by the Town, the permit shall be signed by the Board of Selectmen or its designated agent. The permit shall be dated and shall list the number and species of plants or trees for which permission is granted. It shall be exhibited on demand of any responsible person and shall be valid only on date of issue.

§ 160.2 Violations and penalties.

Penalties for violations shall be \$25 for each plant offense and \$50 for each tree offense.

Chapter 165: Junk Automobiles

[Adopted 3-8-65 Adj. ATM Art. 25, amended 3-11-67 ATM Art. 25. Replaced 5-9-87 ATM Art. 19. Amendments noted where applicable.]

§ 165.1. License required for maintenance in open.

No junk automobiles shall be kept in the open in any area of the Town of Westford by the owner of the vehicle or by the owner or one in control of the premises wherein such vehicle is kept unless a license has been granted in accordance with the procedure described in this chapter.

§ 165.2. Definitions.

For the purposes of this chapter, a junk automobile shall be one which is worn out, cast off, or discarded and which is ready for dismantling or destruction, or which has been collected for storage or salvage, or for stripping in order to make use of its parts. Any parts from such a vehicle shall be considered a junk automobile under this chapter.

* The words “into a cesspool or into a septic tank with an overflow into a cesspool” were disapproved by the Attorney General’s office per Town Clerk’s email message 2/5/02.

§ 165.3. Exemptions.

Anyone holding a Class Three automobile license under the provisions of Massachusetts General Laws chapter 140, section 58, as amended, is exempt from the provisions of this chapter.

§ 165.4. Issuance of license; appeals.

A license to keep no more than 2 such junk automobiles may be obtained from the Building Commissioner, who may issue a license under the terms and standards set forth in section 165.5 of this chapter. The refusal of the Building Commissioner to issue a license may be appealed to the Board of Selectmen by filing an appeal with the Town Clerk within 20 days of the refusal, and thereafter following the procedure for notice and hearing set forth in section 165.5 of this chapter.

§ 165.5. Application procedure; renewals.

- A. A license to keep more than 2 junk automobiles may be requested by filing with the Town Clerk an application in writing to the Board of Selectmen. The Selectmen shall hold a public hearing upon such request, notice of which shall be given by publishing in a newspaper having a general circulation in Westford at least 7 days before the date of the hearing. The cost of publishing shall be paid by the applicant for the license.
- B. The Selectmen may grant a license for not longer than 1 year upon such conditions as the Selectmen deem proper to keep such junk automobiles in the open after a public hearing has been held, and the Selectmen determine that the keeping of the same will not depreciate property values in the area, will not create a hazard to the public safety, or will not become a public nuisance. Renewals of a license shall be made only after the procedure set forth above is followed.

§ 165.6. Revocation of license.

Upon the filing with the Board of Selectmen of a petition signed by at least 10 legal residents of Westford asking for revocation of any license issued under this chapter, the Selectmen shall call a public hearing to review the conduct of the licensee under the license. If the Selectmen determine that the operation of the licensee under said license depreciates property values of surrounding property, creates a hazard to the public safety or constitutes a public nuisance, the Selectmen may, by majority vote, revoke the license. The effective date of such revocation shall be 30 days after the vote of revocation.

§ 165.7. Violations and penalties. [Amended 5-22-89 Adj. ATM Art. 49]

Any person or entity who violates this chapter shall be liable to the following fines for each day the violation continues:

For the first offense:	Warning
For the second offense:	\$200
For each subsequent offense:	\$300

Chapter 169: Water

[Adopted 12-28-55 STM Art. 7. Amendments noted where applicable.]

§ 169.1. Election of Water Commissioners; authority.

The Water Department shall be administered by a Board of 3 Water Commissioners appointed by the Town Manager*. The Water Commissioners shall have exclusive charge and control of the Water Department and water system subject to the provisions of the Massachusetts General Laws and subject to these bylaws, as amended.

§ 169.2. Appointment of Water Department Superintendent.

The Water Commissioners shall appoint a Superintendent of the Water Department to administer the Water Department under their control. The appointment shall be for the term of 1 year, but the person may be re-appointed for additional 1-year terms.

§ 169.3. Responsibility for cost of water connections. [Amended 3-10-56 ATM Art. 42]

The entire cost of all installations made by the Water Department from the water main to the meter on the property of a taker of water shall be borne by such taker and shall be payable by such taker in advance.

§ 169.4. Water service for subdivisions.

The cost of water mains, hydrants, appurtenances and fixtures for a subdivision (as defined Massachusetts General Laws Chapter 41 section 81L as amended) and the cost of installing the same in such subdivision and the cost of connecting the same to the Town water system shall be borne by the person making such subdivision. Water shall be supplied by the Water Department to such water mains only if such person has paid all such costs and has complied with all regulations and requirements of the Planning Board of the Town respecting the installation of such water mains, hydrants, appurtenances and fixtures and respecting the conveyance to the Town of the same, together with any related easements.

§ 169.5. Extension of mains not in subdivisions. [Amended 5-14-56 STM Art. 4; 7-19-57 STM Art. 5]

- A. Water mains may be extended along a public or private way not in a subdivision only with the approval of the Water Commissioners or of the Selectmen when acting as Water Commissioners and only if the takers served by such extension agree in writing either:
 - 1. to pay each year the difference between an amount equal to 15% of the cost of such extension and the revenue received from supplying water to takers served by such extension, such agreements to remain in effect until the aggregate revenues from supplying water to such takers plus the aggregate amounts paid by such takers under such agreements shall have equaled the cost of such extension; or

* In accordance with Chapter 480 section 10 of the Acts of 1989, "An Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Westford."

2. to pay in advance the difference between the estimated cost of such extension and an amount 15% of which will equal the estimated revenue for the first year during which water is supplied to such extension, all such payments to be adjusted when the actual costs and actual revenues for such first year are determined; or
 3. to pay the entire cost of such extension; or
 4. to pay each year the difference between an amount equal to 7% of the cost of such extension and the revenue received from supplying water to takers served by such extension, such agreements to remain in effect until the aggregate revenues from supplying water to such takers plus the aggregate amounts paid by such takers under such agreements shall have equaled the cost of such extension.
- B. Any taker who elects to request an extension under the provisions of sections 169.5.A.1 or 169.5.A.4 hereof, may, either prior or subsequent to the making of such extension, pay his/her pro-rata share of the entire cost, or the then remaining unpaid cost, as the case may be, of such extension; and, by virtue of such payment, shall not thereafter be held to answer or be accountable in any manner to or for any claim, demand or assessment for any deficiency in the aggregate revenue received for supplying water to the takers served by such extension.

§ 169.6. Use of and tampering with hydrants. [Added 7-29-65 STM Art. 5]

It shall be unlawful for any person not authorized by the Town, to turn on or shut off any Town hydrant or to tamper with, alter or injure any such hydrant.

§ 169.7. Regulation of use [Adopted 5-8-99 ATM Art. 23]

A. Authority.

This section is adopted by the Town under its police powers to protect public health and welfare and its powers under Massachusetts General Laws chapter 40, section 21, et seq. and implements the Town's authority to regulate water use pursuant to Massachusetts General Laws chapter 41, section 69B. This bylaw also implements the Town's authority under Massachusetts General Laws chapter 40, section 41A, conditioned upon a declaration of water supply emergency issued by the Massachusetts Department of Environmental Protection.

B. Purpose.

The purpose of this section is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

C. Definitions.

Persons shall mean any individual, corporation, trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under Massachusetts General Laws chapter 21G, sections 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 169.7.D of this chapter.

Water users or water consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

D. Declaration of a State of Water Supply Conservation.

The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Water Commissioners that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 169.7.F of this chapter before it may be enforced.

E. Water uses.

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 169.7.F.

1. Odd/even day outdoor watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
2. Outdoor watering ban: Outdoor watering is prohibited.
3. Outdoor watering hours: Outdoor watering is permitted only during daily periods of low demand to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
4. Filling swimming pools: Filling of swimming pools is prohibited.
5. Automatic sprinkler use: The use of automatic lawn sprinkler systems is prohibited.

F. Public notification of a State of Water Supply Conservation; notification to DEP.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 169.7.E shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

G. Termination of a State of Water Supply Conservation notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 169.7.F.

H. State of Water Supply Emergency; Compliance with DEP orders.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department intended to bring about an end to the State of Water Supply Emergency.

I. Penalties.

Any person violating this section 169.7 shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the Town for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Massachusetts General Laws chapter 40, section 21D. Each day of violation shall constitute a separate offense.

J. Severability.

The invalidity of any portion or provision of this chapter shall not invalidate any other portion or provision thereof.

Chapter 175: Amendments*

[Adopted 2-11-24 ATM. Amendments noted where applicable.]

§ 175.1. Amendment of bylaws. [Amended 3-11-57 Adj. ATM Art. 32(26)]

These bylaws may be amended at any Town Meeting, an article or articles for such purpose having been inserted in the warrant for the meeting. For purposes of these bylaws the repeal of a bylaw or the adoption of a new bylaw shall be deemed an amendment of the bylaws.

§ 175.2. Approval and publication of amendments. [Amended 3-11-57 Adj. ATM Art. 32(26); 3-19-60 Adj. ATM Art. 36; 5-5-79 ATM Art. 11]

Any amendment to these bylaws shall go into effect upon its acceptance by a Town Meeting, its approval in the manner required by law, and upon:

- A. the publication of reference to the amendment at least two times in one or more newspapers, if any, published in the Town, otherwise in one or more newspapers in general circulation in the Town, and

* New bylaw made up of sections previously numbered 1.2 and 1.3

- B. posting copies of the bylaw amendment in at least five public places in the Town, including Town Hall, and in one or more public places in each precinct of the Town, in accordance with Massachusetts General Law chapter 40, section 32, as amended.

All bylaws or votes of the Town inconsistent therewith shall thereupon be repealed.

Selectmen Recommend Approval; Finance Committee Recommends Approval

A MOTION was made and duly seconded to DISMISS Article 30. The MOTION FAILED for lack of majority.

ARTICLE 31: TOWN GENERAL BYLAW AMENDMENT

It was voted to dismiss this article.

Town Meeting then voted to adopt the following RESOLUTION:

RESOLVED that the Police Department and the School Department study traffic patterns in and out of Westford Academy for the purpose of resolving traffic tie ups and safety issues.

ARTICLE 32: TOWN GENERAL BYLAW AMENDMENT

Following some discussion, it was voted to end debate under Article 32 relative to fines and violations of the Board of Health regulations.

At 10:35 pm, it was voted to adjourn Town Meeting until 7:00 pm on May 14, 2002.

ADJOURNED ANNUAL TOWN MEETING

Tuesday, May 14, 2002

Ellen Harde, Town Moderator called the meeting to order at 7:00 pm.

ARTICLE 32: TOWN GENERAL BYLAW AMENDMENT, continued

It was VOTED that the Town amend the Bylaws of the Town of Westford, Chapter 1, Section 1-1.D, General Penalty, by adding the following fines for violations of the Board of Health regulations:

Chapter 1: Penalties for Violating Bylaws and Regulations

Violations of this bylaw may be enforced by any member of the Board of Health and its authorized agents

<u>Board of Health Reg.</u>	<u>Offense</u>	<u>Fine</u>	
Ch. 203, Article I	Violations of Piggeries Regulation	1 st and each Subsequent	\$25.00
Ch. 203, Article II	Violations of Stable Regulation	1 st and each Subsequent	\$25.00
Ch. 204	Violations of Nuisance Regulation	1 st and each Subsequent	\$100.00
Ch. 205	Violations of Site Assignment for Dumping Grounds	1 st and each Subsequent	\$100.00
Ch. 206.1	Violations of 105 CMR 410.000, Minimum Standards for Human Habitation	1 st and each Subsequent	\$100.00
Ch. 206.2	Violations of 105 CMR 430.000, Minimum Sanitation and Safety Standards for Recreational Camps for Children	1 st and each Subsequent	\$100.00
Ch. 206.3	Violations of 105 CMR 435.000 Minimum Sanitation for Swimming Pools	1 st and each Subsequent	\$100.00
Ch. 206.4	Violations of 105 CMR 445.000 Minimum Standards for Bathing Beaches	1 st and each Subsequent	\$100.00
Ch. 206.5	Non-Critical Violations of 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments	1 st and each Subsequent	\$25.00

May 11, 2002 Annual Town Meeting

Ch. 206.5	Critical Violations of 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments	1 st and each Subsequent	\$50.00
Ch. 206.5	Violations Related to Foodborne Illness Interventions and Risk Factors of 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments	1 st and each Subsequent	\$100.00
Ch. 207.1	Violations of 310 CMR 15.000, Minimum Standards for the Subsurface Disposal of Sanitary Sewage or Board of Health regulation, Requirements for the Subsurface Disposal of Sanitary Sewage	1 st and each Subsequent	\$100.00
Ch. 208	Violations of 310 CMR 30.000 Hazardous Wastes Regulations	1 st and each Subsequent	\$100.00
Ch. 209	Violations of 310 CMR 6.00–8.00 Ambient Air Quality Standards	1 st and each Subsequent	\$100.00
Water Supply Regulations	Violations of Board of Health Water Supply Regulations	1 st and each Subsequent	\$100.00

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

ARTICLE 33: ACCEPTANCE OF MGL CHAPTER 40, SECTION 22F

It was voted that the Town accept the provisions of Massachusetts General Laws Chapter 40, Section 22F regarding authorization for Town Boards, Commissions and Agents to fix license, permit, and certificate fees with the approval of the appointing authority.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

ARTICLE 34: ACCEPTANCE OF MGL CHAPTER 41, SECTION 110A

It was voted unanimously that the Town accept the provisions of Massachusetts General Laws Chapter 41, Section 110A regarding authorization for public offices to remain closed on Saturdays.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

ARTICLE 35: SIDEWALK INDEMNIFICATION AUTHORIZATION

It was voted unanimously that the Town authorize the Board of Selectmen to provide the Littleton, Boston, Concord, Carlisle, and Tadmuck Road property owners, appearing on a list entitled “Affected Route 110 Sidewalk Properties,” dated September 10, 2001, a copy of which

is on record with the Town Clerks Office, with additional indemnification for the installation of a public sidewalk on a portion of their land.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 36: PACKAGE STORE LICENSE INCREASE / By Petition

It was voted by a two-thirds majority to approve a Home Rule Petition to the Great and General Court of the Commonwealth of Massachusetts to authorize the issuance of one (1) additional full Package Store License in the Town of Westford to enable the Westford Board of Selectmen to issue same to the Westford Convenience Store at 6 Carlisle Road, Westford.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

ARTICLE 37: ACQUISITION OF STEPINSKI LAND

It was voted by a two-thirds majority that the Town authorize the Board of Selectmen to acquire by purchase, in accordance with the provisions of Massachusetts General Laws Chapter 40, Sections 3 and 14, as most recently amended, and/or any other enabling authority, a parcel of land located easterly of River Street between the Boston and Main Railroad right-of-way and Stony Brook, containing approximately 115 acres and being that land shown as Parcel 35 on Westford Assessors' Map 31, and commonly known as the "Stepinski Land," and upon acquisition of the land to authorize the Selectmen in the name of the Town, pursuant to Massachusetts General Laws Chapter 40, Section 15A, or any other enabling authority, to grant an in perpetuity conservation restriction on the land in compliance with the requirements of sections 31 and 32 of Chapter 184 of the General Laws to the Massachusetts Department of Environmental Management, and that subsequent to the grant of said Chapter 184 Conservation Restriction, said land shall be transferred to the care and custody of the Westford Water Department, and for acquiring said land, that the sum of \$400,000 be appropriated from Water Enterprise Available Funds, and said acquisition and appropriation is to be conditional upon the successful application of and award of a grant to the Town from the Aquifer Land Acquisition Program as administered by the State Department of Environmental Protection, said grant to be received prior to July 1, 2003 or any associated authorization provided by Town Meeting shall lapse.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 38: ACQUISITION OF GROTON ROAD LAND

It was voted by a two-thirds majority that the Town authorize the Board of Selectmen to acquire by purchase, in accordance with the provisions of Massachusetts General Laws Chapter 40, Sections 3 and 14, as most recently amended, and/or any other enabling authority, a certain parcel of land located north and east of the intersection of Groton and Tyngsboro Road, containing approximately 2 acres and being a portion of land shown as Parcel 1 on Westford Assessors' Map 76, and upon acquisition of the land to authorize the Selectmen in the name of the Town, pursuant to Massachusetts General Laws Chapter 40, Section 15A, or any other enabling authority, to grant an in perpetuity conservation restriction on the land in compliance with the requirements of Section 31 and 32 of Chapter 184 of the General Laws to the MA. Department of Environmental Management, said land to be transferred to the care and custody of

the Conservation Commission, and for acquiring said land, to see if the Town will vote to appropriate the sum of THREE HUNDRED THOUSAND (\$300,000) DOLLARS, from Route 3 North Project Conservation Land Acquisition Grant Program funds, and said acquisition and appropriation is to be conditional upon the successful application for and award of a grant to the Town from the Route 3 North Project Conservation Land Acquisition Grant Program of the Executive Office of Transportation.

Selectmen Recommend Approval; Finance Committee Recommends Approval

A MOTION was duly made and seconded that the expenditure under Article 38 was not to exceed the amount of the grant. The MOTION FAILED for lack of majority.

ARTICLE 39: ACCEPTANCE OF GIFTS OF LAND

A **MOTION** was duly made and seconded, and it was voted to **AMEND** the Article to move the parcel of land identified as paragraph H to the list of parcels accepted by the Board of Selectmen for municipal use, to re-letter that paragraph to be C and to re-letter the remaining paragraphs under the section pertaining to the Conservation Commission, so that the final motion that passed by a unanimous vote read:

That the Town authorize the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 40, Section 3, to accept for general municipal purposes the following parcels of land:

- a. a certain parcel of land located off of Boston Road comprising approx. 0.62 acres from Bentley Building Corp., said land consisting of Parcels A-1 and A-2 as shown on a plan of land entitled "Land in Westford, Mass. Surveyed for John M. Adamczyk, Inc.", dated September, 1989 prepared by Charles A. Perkins Co., Inc., Clinton, MA, and further identified as being shown as Westford Assessors' Map 22, Parcel 117.16;
- b. a certain parcel of land at the corner of Byrne Ave. and Pine Tree Trail, comprising approx. 5,000 sq. ft. from Thomas M. Gibbons of Walpole, MA., said land consisting of lots 198 and 199 as shown on a plan entitled "Plan of Nabnasset Lake Shores, Sec. A, Westford, Mass.", dated August 1930, prepared by Irving Rosenblatt, C.E., Framingham, and further identified as being shown as Westford Assessors' Map 78, Parcel 76;
- c. a certain parcel of land located off of True Bean Way comprising approx. 4.58 acres from Horse Head Enterprises, Inc., Westford, MA, said land consisting of "lot 5" as shown on a plan entitled "Plan of Land, True Bean Way, Westford, MA Prepared for R.M. Hicks, Inc., 124 Main Street, Westford, MA 01886" dated December 1, 1999, by Landtech Consultants, Inc., 484 Groton Road, Westford, MA, and further identified as being shown as Westford Assessors' Map 14, Parcel 23.3;

Furthermore, to see if the Town will vote to accept for conservation purposes, pursuant to Massachusetts General Laws Chapter 40, Section 8C, the following parcels of land:

- d. a certain parcel of land located off of Tadmuck Road comprising approximately 4.62 acres from Orion Homes by Flaherty, Inc., said land consisting of Parcel A as shown on a plan of land entitled "Mystery Spring Woods in Westford, Mass.", dated March 2000,

with a final revision date of May 31, 2000 prepared by Ludwig Surveying Assoc. Inc., Westford, MA., and further identified as being shown as Westford Assessors' Map 22, Parcel 30.17;

- e. two certain parcels of land located off of Lowell Road comprising approx. 2.03 acres from Bentley Building Corp., said land consisting of those lots shown as "Parcel A, Open Space, 6,454 sq. ft." and "Parcel B, Open Space, 81,842 sq. ft., 1.88 Ac." as shown on a plan of land entitled "Flexible Development Plan of Land, Leighton Way, Westford, MA", dated August 9, 2000, with a final revision date of September 21, 2000 prepared by Landtech Consultants, Inc., Westford, MA, and further identified as being a portion of that land shown as Westford Assessors' Map 32, Parcel 22.2;
- f. two certain parcels of land located off of Baldwin & Hunt Roads comprising approximately 1.43 acres from Carl and Eileen Anderson of 23 Hunt Road, Westford, MA., said land consisting of those lots shown as "Parcel A, 44,113 sq. ft., 1.01 Acres" and "Parcel B, 18,445 sq. ft., .42 Acres" as shown on a plan of land entitled "Frances Hill Estates Definitive Plan for Subdivision in Westford, MA prepared for Carl & Eileen Anderson, 23 Hunt Road, Westford, MA 01886", dated March 15, 1991, with a final revision date of November 8, 1991 prepared by H-Star Engineering, Chelmsford, MA, and further identified as being shown as Westford Assessors' Map 33, Parcels 23.19 and 23.14;
- g. a certain parcel of land located off of Kings Pine Road comprising approx. 9.25 acres from Bentley Building Corp., said land consisting of Parcel E as shown on a plan of land entitled "Windemere II Definitive Subdivision Plan of Land in Westford, Mass. Prepared for John M. Adamczyk, Inc.", dated July, 1988, with a final revision date of January 17, 1989 prepared by Charles A. Perkins Co., Inc., Clinton, MA, and further identified as being shown as Westford Assessors' Map 22, Parcel 117.4;
- h. a certain parcel of land located on the southeasterly side of Tenney Road comprising approximately 1.52 acres from Bentley Building Corp., said land being shown as a parcel of land entitled "1.52+ Acres Remaining Land of R&D Realty Trust to be deeded to the Town of Westford" on a plan of land entitled "Definitive Subdivision Plan Tenney Hills, Westford, Massachusetts" dated September 28, 1987, prepared by Cuoco and Cormier, Inc., Nashua, NH, and further identified as being shown as Westford Assessors' Map 44, Parcel 46;
- i. five certain parcels of land located off of Trailside Way comprising approx. 10.29 acres from Bentley Building Corp., said land consisting of those lots shown as Parcel A Open Space, Parcel B Open Space, Parcel C Open Space, Parcel D Open Space, and Parcel E on a plan of land entitled "Definitive Subdivision Plan, Trailside Estates, Westford, Massachusetts" dated June 6, 2000, with a latest revision date of November 1, 2000, prepared by Diversified Civil Engineering, Westford, MA., and further identified as being a portion of that land shown as Westford Assessors' Map 5, Parcels 18, 74.7 and 74.8;

said lands identified in “d-i” above are to be under the care & custody of the Conservation Commission.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 40: ACCEPTANCE OF GIFT OF LAND

It was voted unanimously that the Town authorize the Board of Selectmen to accept a gift of land offered in memory of Michael Joseph “Joe” Sullivan & Yvonne Rose Sullivan by their daughter Yvonne Sullivan, said land located off of Wright Lane, containing 1.45 acres and identified on Westford Assessors’ Map 21, as Parcel 94, said land to be accepted pursuant to Massachusetts General Laws Chapter 40, Section 3, to be under the care, custody, and control of the Board of Selectmen, and to be utilized for the express purpose(s) of open space, public park land, or for general public recreation.

Selectmen Recommend Approval; Finance Committee Recommends Approval

Town Meeting thanks the Sullivan family for their generous gift of land to the Town.

ARTICLE 41: LAND ACCEPTANCE – COOLIDGE STREET EXTENSION

It was voted unanimously under the Consent Calendar that the Town authorize the Board of Selectmen to accept a certain parcel of land comprising 6,000 sq. ft. from Michael Bohenko, located at the end of the Coolidge Street right-of-way, said land consisting of Parcel A-2 as shown on a plan of land entitled “Plan of Land Coolidge Street Extension, Westford, Massachusetts” dated July 11, 2000, with a final revision date of November 3, 2000 prepared by Diversified Civil Engineering, Westford, MA, said land to be accepted pursuant to Massachusetts General Laws Chapter 40, Section 3 and to be under the care, custody, and control of the Board of Selectmen.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 42: TELECOMMUNICATION TOWN LEASE

It was voted to dismiss this Article relative to leasing a portion of the Westford Highway Garage land west of North Street for the placement of a telecommunications tower.

ARTICLE 43: DISCONTINUANCE OF A PORTION OF OLD CONCORD ROAD

It was voted unanimously under the Consent Calendar that the Town discontinue Old Concord Road, between stations 8+85 to 13+95, as a public way.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

ARTICLE 44: STREET ACCEPTANCE

It was voted unanimously under the Consent Calendar to dismiss this Article relative to accepting April Ln, Lanes End, and May Road.

ARTICLE 45: LITTLETON ROAD SIDEWALK EASEMENT

It was voted unanimously under the Consent Calendar that the Town authorize the Board of Selectmen to accept a sidewalk easement and to designate, pursuant to Massachusetts General Laws, Chapter 82, said easement area as a Town public way, said easement consisting of a

variable width and shown on a plan of land entitled "Easement Plan, Exxon Station, 179 Littleton Road, Westford, Massachusetts", dated February 22, 2002, prepared by Diversified Civil Engineering, Westford, MA.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

ARTICLE 46: ZONING ORDINANCE AMENDMENT – CHAPTER 173 / By Petition

A MOTION was duly made and seconded to amend the Westford Zoning Bylaw as follows:

1. Delete in its entirety, Chapter 173, titled Town of Westford, Massachusetts, Zoning Bylaw dated September 13, 2001 and including amendments incorporated in the November 13, 2001 edition; and
2. Add a new Chapter 173, titled Westford Zoning Bylaw edition dated August 27, 2001, a complete version of which is on file with the Town Clerk;

The MOTION FAILED for lack of majority.

It was voted to take Article 48 out of order.

ARTICLE 48: ZONING ORDINANCE AMENDMENT – CHILDCARE FACILITY REGULATION

A MOTION was duly made and seconded, and it was voted to **AMEND** the Article to strike "and Residence Multifamily Zoning Districts" from the first sentence and add the word "and" between Residence A and Residence B, so that the final motion that passed by a two-thirds majority vote read:

That the Town amend the Westford Zoning Bylaw, Section 173-6.0, Special Regulations, by adding a new sub-section 6.5 as follows:

Section 6.5 - Childcare Facilities

In Residence A and Residence B, the footprint of a building which is principally used as a child care facility shall not exceed 2,500 square feet. As used in this paragraph, the term "footprint" shall mean the land area occupied by a building, at the surface of the ground, excluding open porches. As used in this paragraph, the term "child care facility" shall mean a day care center or school age child care program as those terms are defined in Massachusetts General Laws Chapter 28A, Section 9. The provisions of this paragraph shall not apply to child care facilities which (a) were lawfully existing on the effective date of this paragraph or to additions, extensions or alterations thereto, or (b) are located in buildings owned by non profit organizations and used in whole or in part by such non profit organizations for their non profit purposes.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

A MOTION was duly made and seconded to DELETE Paragraph (b) from the Main Motion.

The MOTION FAILED for lack of majority.

ARTICLE 47: ZONING ORDINANCE AMENDMENT –OPEN SPACE RESIDENTIAL DEVELOPMENT BYLAW

It was voted unanimously that the Town amend the Westford Zoning Bylaw, Section 173-7.1.8, Open Space Residential Development - Legal Requirements for Common Land Ownership and Maintenance, by adding the following new sub-section 3:

3. As an alternative to the procedures outlined in paragraphs 7.1.8.1 and 7.1.8.2, with the vote of the Planning Board, some or all of the common land open space may be conveyed to the Town of Westford to be administered by the Conservation Commission.

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

Article 48 was taken up prior to Article 47.

ARTICLE 49: ZONING ORDINANCE AMENDMENT – CHILD CARE FACILITY REGULATIONS / By Petition

It was voted to dismiss this Article.

ARTICLE 50: ZONING ORDINANCE AMENDMENT – GROWTH MANAGEMENT BYLAW

A **MOTION** was duly made and seconded, and it was voted to **AMEND** the Article by deleting and replacing section 6.3.6.3 and by deleting the last line of the table Appendix E Growth Management Provisions relative to other units, so that the final motion that passed by a two-thirds majority vote read:

That the Town amend the Westford Zoning Bylaw, Section 6.3, Growth Management Bylaw, by deleting it in its entirety and replacing it with the following:

6.3 Growth Management

6.3.1 Intent and Purpose. This Section 6.3 is adopted pursuant to the provisions of Massachusetts General Laws, Chapter 40A and the Home Rule Amendment, Article 89 of the Massachusetts Constitution, for the following purposes:

1. To ensure that growth occurs in an orderly and planned manner, at a rate that can be supported by Town services, while avoiding large year-to-year variations in the development rate;
2. To provide the Town with time to study the effect of growth on the municipality's infrastructure, character and municipal services;
3. To relate the timing of residential development to the Town's ability to provide adequate public safety, schools, roads, municipal infrastructure, and human services at the level of quality which citizens expect, and within the Town's ability to pay under the financial limitations of Proposition 2-1/2, as outlined in the Town's 1995 Master Plan;
4. To preserve and enhance the existing community character and value of property; and

5. To allow departures from the strict application of the growth rate measures herein, in order to encourage certain types of residential growth which address the housing needs of specific population groups, or which provide significant reductions in the ultimate residential density of the Town.

6.3.2 Applicability and Effect.

1. On or after the date of adoption of this Sec. 6.3, no building permit for a new dwelling unit or units in the Town of Westford shall be issued, unless in accordance with the regulations of this Sec. 6.3.
2. The provisions of this Section 6.3 shall expire on May 11, 2007; however, by vote of Town Meeting before said date, the provisions of this Section 6.3 may be extended for an additional five years, in order to continue comprehensive municipal planning studies necessary to promote orderly growth. In the event such action is taken by the Town Meeting prior to May 11, 2007, these provisions shall not be construed to have lapsed on such date.
3. Appendix E summarizes the growth management provisions of this Section 6.3 as they apply to various categories of residential development. In the case of conflict between Appendix E and the textual provisions of this Section 6.3, the textual provisions shall prevail.

6.3.3 Growth Rate Limit.

1. The growth rate limit and other provisions of this Subsection 6.3.3 shall apply to the development of all new dwelling units in the Town of Westford, unless that development is specifically exempted by the provisions of Subsections 6.3.4 or 6.3.6 herein.
2. The growth rate limit shall be thirty (30) dwelling units per calendar year.
3. Complete building permit applications for dwelling units subject to the growth rate limit shall be dated and time-stamped, and placed in a stand-by list in the order in which they are received. This list shall be posted in the Building Department within the Westford Town Hall. Trading or selling of stand-by list placement is expressly prohibited.
4. From January 1 until December 15 in a calendar year, the Building Inspector may issue up to six (6) building permits to any one development subject to the growth rate limit, according to their placement in the stand-by list. From December 16 to December 31 in a calendar year, permits may be issued on a first-come, first-served basis, up to the growth rate limit, without restriction as to total number per development or placement in the stand-by list. Building permits not issued by the end of the calendar year shall not be carried forward to the next calendar year.
5. Whenever the number of building permits issued in one calendar year for dwelling units subject to the growth rate limit equals that limit, the Building Inspector shall not issue building permits for any additional dwelling unit or units in that year. Completed

applications for which building permits are not granted in one calendar year shall be carried over onto the next year's stand-by list, with priority for the permits available that year, in the same order they were recorded in the first year.

6. Building permits issued, but subsequently abandoned under the provisions of the State Building Code, shall not be counted in administering the growth rate limit.

6.3.4 Development Scheduling.

1. This Subsection 6.3.4 shall apply to the following types of development which would result in the creation of new dwelling units:
 - a. Development projects which create dwelling units for senior residents, as specified in section 8.4 herein, where occupancy of the units is restricted to senior persons through a properly executed and recorded deed restriction running with the land. For purposes of this Subsection, "dwelling units for senior residents" shall be construed to mean that said units are to be owned and occupied only by persons at least one (1) of whom shall be fifty-five (55) years of age or older.
 - b. Development projects which voluntarily agree to a minimum twenty-five percent (25%) permanent reduction in density below the density permitted under zoning and feasible given the environmental conditions of the tract, with the surplus land equal to at least five (5) buildable acres and permanently designated as open space and/or farmland. The land to be preserved shall be protected from development by an Agricultural Preservation Restriction, Conservation Restriction, dedication to the Town, or other similar mechanism that will ensure its protection.
2. Building permits for the construction of new dwelling units in any one development of the types set forth in Subsection 6.3.4.1 shall be authorized at a rate determined by the Planning Board. The development rate shall be established by the Planning Board for each applicable development individually. Development schedules shall be established consistent with the following criteria:
 - a. To minimize the disruption to existing traffic patterns and to prevent the creation of public safety hazards related to the construction at the site or trip generation by new residents;
 - b. To minimize danger to the environment, especially the town aquifer and water table caused by construction at the site;
 - c. To minimize the impact on public safety services, educational facilities and town infrastructure caused by increased use; and
 - d. To minimize the impact on surrounding neighborhoods by preserving their character and configuration.

The Planning Board shall weight its determinations with regard to the above criteria based upon the reports and recommendations of its technical consultants and the reports and

recommendations of other town commissions, boards, and staff. Other criteria may be established by the Planning Board.

3. The Planning Board shall not establish any development schedule which phases development for longer than a ten (10) year period.

6.3.5 Procedures for Development Schedules.

1. In order to facilitate review, the applicant shall submit a written proposed development schedule to the Planning Board as part of any application for a development of any type set forth in Subsection 6.3.4.1. The development schedule shall state the month and year proposed for the authorization of a building permit for each unit in the development. For other types of development not specified in Subsection 6.3.4.1, the applicant may submit a voluntary development schedule to the Planning Board.
2. The Planning Board shall vote to approve (with or without changes) or disapprove any development schedule submitted to it.
3. Approved development schedules shall be incorporated as part of the decision filed with the Town Clerk, whether inscribed on the plan or filed as an attached document.
4. No approved development schedule shall take effect for the purposes of obtaining building permits until recorded separately or as part of the decision.
5. Approved development schedules shall be posted in the Building Department within the Westford Town Hall. Trading or selling of development schedules is expressly prohibited.
6. If applications for building permits in a development are made at a slower rate than authorized in a development schedule, applications for the unused permits from one period may be made in a later period, and such applications shall be approved and the permits issued.
7. Upon transfer of any lot or unit in the types of development subject to development scheduling, the deed shall reference the development schedule and state the earliest date on which construction may be commenced in accordance with the provisions of this Section 6.3.

6.3.6 Dwelling Units Not Subject to this Section 6.3. The following dwelling units are specifically not subject to the growth rate limit and development scheduling provisions of this Section 6.3:

1. Dwelling units in the types of developments which are statutorily exempt by virtue of the provisions of Massachusetts General Laws, Chapter 40A, Section 6;
2. An application for a building permit for the enlargement, restoration or reconstruction of a dwelling in existence as of the effective date of this Sec. 6.3, provided that no additional residential unit is created;

3. Dwelling units for low- and/or moderate income families or individuals, where all of the following conditions are met:

- a. Occupancy of the units is restricted to households earning less than 80% of the median family income for the Greater Lowell Statistical Area as determined by the Department of Housing and Urban Development from time to time; and
- b. The affordable units are subject to a properly executed and recorded deed restriction running with the land as approved by the Massachusetts Department of Housing and Community Development for a minimum of thirty (30) years.

The market rate units in those developments which contain affordable units are subject to the applicable Subsections of this Section 6.3;

4. Any tract of land existing and not held in common ownership with an adjacent parcel on the effective date of this Section 6.3 shall be entitled to a one-time exemption only for one (1) building permit, for the purpose of constructing one (1) single-family dwelling on that tract of land;

5. Dwelling units as set forth in the Mill Conversion Overlay District Bylaw, Section 8.5 herein; and

6. Dwelling units in Assisted Living Facilities, as set forth in Section 7.3 herein.

6.3.7 Zoning Change Protection. Any protection against zoning changes provided by Massachusetts General Laws, Chapter 40A, Section 6, shall be extended to the earliest date on which the final unit in the development could be authorized under this Section 6.3.

6.3.8 Separability. The provisions of this Section 6.3 are hereby declared separable, and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity of any of the remaining provisions of this Section 6.3.

Growth Management Provisions Table - See Attachment "B" at back of motion packet [Appendix E of the Zoning Bylaw], which has been amended by deleting the last line of the table Appendix E Growth Management Provisions "Other Units:" Local Initiative Petition (LIP).

And further that the Zoning Bylaw, Section 10.2, General Definitions, be amended by deleting and replacing the following definitions:

Growth rate limit: The maximum number of residential building permits that may be authorized in a calendar year. The growth rate limit is based upon ongoing analysis of recent average growth rates, and upon the 1995 Master Plan's policies and implementation strategies to manage the current high level of residential growth in the Town.

Development schedule: A schedule authorized by the Planning Board in accordance with Subsections 6.3.4 and 6.3.5 herein.

Selectmen Recommend Approval; Finance Committee Recommends Approval

ARTICLE 51: ZONING ORDINANCE AMENDMENT –GROWTH MANAGEMENT BYLAW

It was voted that the Town amend the Westford Zoning Bylaw, Section 6.3, Growth Management, subsection 6.3.6, Dwelling Units not subject to this Section 6.3, to add the following:

7. Dwelling units as set forth in Accessory Dwelling Units Section, Section 3.3 herein.

And further, that Appendix E, Growth Management Provisions Table, be amended as follows:

Category of Dwelling Unit	As Referenced in:	Statutorily Exempt from This Section 6.3	Subject to Growth Rate Limit	Subject to Development Scheduling
Accessory Dwelling Unit (SP-ZBA)	Westford Ch. 173, Sec. 3.3	No	No	No

Selectmen Recommend Approval; Finance Committee Recommendation Not Required

It was voted to adjourn the Annual Town Meeting at 10:02 pm.

A True Record: Attest

Kaari Mai Tari
Town Clerk